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federal register

Monday
December 5, 1983

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A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Federal Register
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Presidential Documents

Title 3—

The President

Proclamation 5133 of November 30, 1983

Implementation of the Caribbean Basin Economic Recovery Act

By the President of the United States of America

A Proclamation

1. Sections 211 and 218 of the Caribbean Basin Economic Recovery Act (the CBERA) (19 U.S.C. 2701, 2706) confer authority upon the President to proclaim duty-free treatment for all eligible articles from any country which has been designated a "beneficiary country" in accordance with the provisions of section 212 of the CBERA. I am designating the countries and territories or successor political entities set forth in the Annex as "beneficiary countries" under section 212 of the CBERA. I have previously notified the House of Representatives and the Senate of my intention to make such designation, together with the considerations entering into my decision, pursuant to subsection 212(a)(1)(A) of the CBERA.

2. In order to implement the duty-free treatment provided in accordance with the provisions of the CBERA, it is necessary to modify the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202), thus incorporating the substance of relevant provisions of the CBERA, and of actions taken thereunder, into the TSUS, pursuant to section 604 of the Trade Act of 1974 (the Trade Act) (19 U.S.C. 2483).

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States, including but not limited to sections 211 and 218 of the CBERA and section 604 of the Trade Act, do proclaim that:

(1) The countries set forth in general headnote 3(g)(i) of the TSUS, as added by paragraph (2) of this Proclamation, are designated as beneficiary countries.

(2) A new general headnote 3(g) of the TSUS is hereby added as set forth in the Annex, and present general headnote 3(g) is redesignated as general headnote 3(h).

(3) A new headnote 4 to subpart A of part 10 of schedule 1 of the TSUS is hereby added as set forth in the Annex.

(4) The provisions of this Proclamation shall be effective with respect to all articles that are entered, or withdrawn from warehouse for consumption, on or after the effective date of this Proclamation and on or before September 30, 1995.

(5) This Proclamation shall be effective on January 1, 1984.

IN WITNESS WHEREOF, I have hereunto set my hand this 30th day of Nov., in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and eighth.

Ronald Reagan

Billing code 3195-01-M

ANNEX

MODIFICATIONS TO THE TARIFF SCHEDULES OF THE UNITED STATES

A. The TSUS is modified by adding the following new general headnote 3(g):

"(g) Products of Countries Designated as Beneficiary Countries for Purposes of the Caribbean Basin Economic Recovery Act (CBERA).

(i) The following countries and territories or successor political entities are designated beneficiary countries for the purposes of the CBERA, pursuant to section 212 of that Act (19 U.S.C. 2702):

Barbados	Panama
Costa Rica	Saint Christopher-Nevis
Dominica	Saint Lucia
Dominican Republic	Saint Vincent and the Grenadines
Jamaica	
Netherlands Antilles	Trinidad and Tobago

(ii)(A) Unless otherwise excluded from eligibility by the provisions of subdivision (g)(iii) of this headnote, any article which is the growth, product, or manufacture of a beneficiary country shall receive duty-free treatment if--

(1) that article is imported directly from a beneficiary country into the customs territory of the United States; and

(2) the sum of (i) the cost or value of the materials produced in a beneficiary country or two or more beneficiary countries, plus (ii) the direct costs of processing operations performed in a beneficiary country or countries is not less than 35 per centum of the appraised

value of such article at the time it is entered. For purposes of determining the percentage referred to in subparagraph (2) above, the term "beneficiary country" includes the Commonwealth of Puerto Rico and the United States Virgin Islands. If the cost or value of materials produced in the customs territory of the United States (other than the Commonwealth of Puerto Rico) is included with respect to an article to which this paragraph applies, an amount not to exceed 15 per centum of the appraised value of the article at the time it is entered that is attributed to such United States cost or value may be applied toward determining the percentage referred to in subparagraph (2).

(B) Pursuant to section 213(a)(2) of the CBERA, the Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out subdivision (g) of this headnote including, but not limited to, regulations providing that, in order to be eligible for duty-free treatment under the CBERA, an article must be wholly the growth, product, or manufacture of a beneficiary country, or must be a new or different article of commerce which has been grown, produced, or manufactured in the beneficiary country, and must be stated as such in a declaration by the manufacturer or exporter of the article accompanied by an endorsement thereof by the importer or consignee; but no article or material of a beneficiary country shall be eligible for such treatment by virtue of having merely undergone--

(1) simple combining or packaging operations, or

(2) mere dilution with water or mere dilution with another substance that does not materially alter the characteristics of the article.

(C) As used in subdivision (g)(ii) of this headnote, the phrase "direct costs of processing operations" includes, but is not limited to--

(1) all actual labor costs involved in the growth, production, manufacture, or assembly of the specific merchandise, including fringe benefits, on-the-job training and the cost of engineering, supervisory, quality control, and similar personnel; and

(2) dies, molds, tooling, and depreciation on machinery and equipment which are allocable to the specific merchandise.

Such phrase does not include costs which are not directly attributable to the merchandise concerned or are not costs of manufacturing the product, such as (i) profit, and (ii) general expenses of doing business which are either not allocable to the specific merchandise or are not related to the growth, production, manufacture, or assembly of the merchandise, such as administrative salaries, casualty and liability insurance, advertising, and salesmen's salaries, commissions or expenses.

(iii) The duty-free treatment provided under the CBERA shall not apply to--

(A) tuna, prepared or preserved in any manner, in airtight containers, provided for in items 112.30, 112.34 or 112.90;

(B) sugars, sirups, and molasses, provided for in items 155.20 or 155.30, to the extent that importation and duty-free treatment of such articles are limited by headnote 4, subpart A, part 10, schedule 1;

(C)(1) textile and apparel articles provided for in the following items:

300.60-303.20
307.30
307.50-307.52
307.62-307.68
309.02-310.91
315.05-315.15
316.40
316.55-316.58
319.21-332.40
335.55-335.60
336.10-336.64
337.50-337.55
337.68
338.10-339.05
345.30
345.50
346.05-346.45
346.52
346.60
346.70
346.82
346.90
347.10-347.15
347.26
347.33
347.40
347.55-347.70
349.15
351.05
351.30
352.50
355.02
355.15-355.18
355.25
355.35
355.50
355.60
355.70
355.81
355.82
356.20
356.30
356.40
357.10-357.20
357.35
357.45
358.08-358.09
358.14
358.30-358.35
358.50
359.10
359.30
359.50
360.06
360.20-360.30
360.42-360.43
360.65-360.76
360.78
360.81
360.83
361.07-361.18
361.24
361.42
361.45-361.50
361.80
363.01
363.10-363.20
363.30
363.65-363.75
363.85
364.07
364.13
364.20
364.23
364.30
365.00

(iii)(C)(1)(con.)

365.11	379.55-379.58
365.20	379.62-379.64
365.68	379.71-379.79
365.74	379.83-379.84
365.77-365.78	379.89-379.92
365.86	379.95-379.96
366.03-366.09	383.02-383.08
366.18-366.27	383.12-383.23
366.42-366.47	383.27-383.32
366.60-366.69	383.34-383.43
366.75-366.79	383.47-383.50
367.05-367.25	383.55-383.66
367.34	383.70-383.75
367.50-367.60	383.80-383.86
370.04-370.08	383.90-383.92
370.16	385.20-385.40
370.21	385.53
370.24-370.68	385.61
370.88	385.85
372.04-372.06	386.04-386.06
372.15	386.11
372.25-372.45	386.15-386.50
372.70-372.75	388.10-388.40
373.15	389.40-389.62
373.25-373.27	702.06
374.20-374.30	702.54-702.80
374.50	703.05-703.16
374.60	704.20-704.32
376.08	704.55-704.70
376.54	704.85-704.90
378.20-378.25	727.82
378.35-378.45	748.45-478.50
378.60-378.65	791.74
379.02-379.08	
379.13-379.33	
379.39-379.43	
379.46-379.52	

except that beneficiary country exports of handloom fabrics of the cottage industry, or hand-made cottage industry products made of such handloom fabrics, or traditional folklore handicraft textiles products, if such products are properly certified under an arrangement established between the United States Committee for the Implementation of Textile Agreements and such beneficiary country, are eligible for the duty-free treatment provided under the CBERA;

(2) textile and apparel articles--

(i) in chief value of cotton, wool,

man-made fibers, or blends thereof in which those fibers, in the aggregate, exceed in value each other single component fiber thereof, or

(ii) in which either the cotton content or the man-made fiber content equals or exceeds 50 percent by weight of all component fibers thereof, or

(iii) in which the wool content exceeds 17 percent by weight of all component fibers thereof, or

(iv) containing blends of cotton, wool, or man-made fibers, which fibers, in the aggregate, amount to 50 percent or more by weight of all component fibers thereof,

and which are provided for in the following items:

305.04-305.50	352.80-353.50
308.60-308.90	355.04
315.25-315.40	355.20
315.45	355.42-355.45
315.55	355.55
315.75-316.30	355.65
316.50	355.75
316.70	355.85-356.15
335.70-335.95	356.25
337.60	356.35
337.80-337.90	356.45
339.10	356.70-357.05
345.10	357.30
345.35	357.40
345.60	357.60-357.90
346.50	357.95
346.56	358.02
346.65	358.05-358.06
346.80	358.11
346.86	358.16-358.26
346.95	358.40
347.20	358.60
347.28-347.30	359.20
347.35	359.40
347.45-347.50	359.60
347.72-349.10	360.04
349.25-350.00	360.10-360.15
351.10-351.25	360.35-360.36
351.40-352.40	360.40

(iii)(C)(2)(iv)(con.)

360.44-360.48
360.77
360.79
360.82
360.84-361.05
361.21-361.23
361.26
361.43
361.53-361.56
361.85
363.02-363.05
363.25
363.35-363.60
363.80
363.90
364.09
364.14-364.18
364.21
364.25
364.35
365.05
365.14-365.15
365.25-365.50
365.80-365.84
365.91
366.12-366.15
366.30-366.39
366.48-366.57
366.72
366.81-366.84
367.28
367.31
367.35-367.45
367.65
370.12
370.17-370.19
370.22
370.72-370.84
370.92
372.08-372.10
372.20
372.50-372.65
372.80-373.10
373.20-373.22
373.30
374.05-374.15
374.35-374.45
374.55
374.65
376.04
376.12-376.28
376.56
378.05-378.15
378.30
378.50-378.55
378.70
379.00
379.11
379.35
379.37
379.45
379.54
379.60
379.66-379.69
379.81
379.86-379.87
379.94
379.98
383.00
383.10
383.25
383.33
383.45
383.52-383.53
383.68
383.77-383.78
383.88
383.95
385.15
385.50
385.55-385.60
385.63-385.80
385.90
386.07
386.13
387.10-387.37
389.10-389.30
389.70
696.15
702.08
702.12
702.14
702.20
702.85-702.95
703.65
703.72-704.15
704.34-704.50
704.75-704.80
704.95
705.35-705.78
705.83-705.90
706.33
706.37
706.39
727.86
735.20
737.21
737.51
748.55
772.30-772.35
791.45-791.48
791.70
791.80
791.90

except that beneficiary country exports of handloom fabrics of the cottage industry, or hand-made cottage industry products made of such handloom fabrics, or traditional folklore handicraft textiles products, if such products are properly certified under an arrangement established between the United States Committee for the Implementation of Textile Agreements and such beneficiary country, are eligible for the duty-free treatment provided under the CBERA;

(D) petroleum, or any product derived from petroleum, provided for in items 475.05, 475.10, or 475.25-475.65;

(E) footwear, work gloves, luggage, handbags, flat goods, and leather wearing apparel provided for in items 700.05-700.27, 700.29-700.53, 700.56-700.83, 700.95, 705.35, 705.85, 705.86, 706.05-706.16, 706.21-706.32, 706.34, 706.36, 706.38, 706.41, 706.43, 706.55, 706.62, or 791.76;

(F) watches and watch parts (including cases, bracelets and straps), of whatever type including, but not limited to, mechanical, quartz digital or quartz analog, if such watches or watch parts contain any material which is the product of any country with respect to which column 2 rates of duty apply; or

(G) the articles subject to the provisions of subpart A of part 2 of the Appendix, to the extent that such provisions have not been modified or terminated by the President pursuant to subsection 213(e)(5) of the CBERA."

B. Subpart A of part 10 of schedule 1 of the TSUS is modified by adding the following new headnote 4:

"4. For such period as there is in effect a proclamation issued by the President pursuant to the authority vested in him by section 22 of the Agricultural Adjustment Act (7 U.S.C. 624) to protect a price-support program for sugar beets and sugar cane, the importation and duty-free treatment of sugars, sirups, and molasses, provided for in items 155.20 and 155.30, in accordance with general headnote 3(g), shall be governed in the following manner:

(a)(i) For all beneficiary countries, except those subject to subparagraph (ii) and paragraph (b), duty-free treatment shall be provided in the same manner as it is provided pursuant to title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.), at the time of the effective date of the Caribbean Basin Economic Recovery Act; except that the President, upon the recommendation of the Secretary of Agriculture, may suspend or adjust upward the value limitation provided for in section 504(c)(1) of the Trade Act of 1974 on the duty-free treatment afforded to beneficiary countries under general headnote 3(g) if he finds that such adjustment will not interfere with the price support program for sugar beets and sugar cane and is appropriate in light of market conditions.

(ii) As an alternative to subparagraph (i), the President may, at the request of a beneficiary country not subject to paragraph (b) and upon the recommendation of the Secretary of Agriculture, elect to permit sugar, sirups, and molasses from that country to

enter duty-free during a calendar year subject to quantitative limitations to be established by the President on the quantity of sugar, sirups, and molasses entered from that country.

(b) For the following countries whose exports of sugar, sirups, and molasses in 1981 were not eligible for duty-free treatment because of the operation of section 504(c) of the Trade Act of 1974, the quantity of sugar, sirups, and molasses which may be entered in any calendar year shall be limited to no more than the quantity specified below:

Dominican Republic	780,000 metric tons
Guatemala	210,000 metric tons
Panama	160,000 metric tons

Such sugar, sirups, and molasses shall be admitted free of duty, except as provided for in paragraph (c).

(c) The President, upon the recommendation of the Secretary of Agriculture, may suspend or adjust upward the quantitative limitations imposed under paragraph (a)(ii) or (b) if he determines such action will not interfere with the price-support program for sugar beets and sugar cane and is appropriate in light of market conditions. The President, upon the recommendation of the Secretary of Agriculture, may suspend the duty-free treatment for all or part of the quantity of sugar, sirups, and molasses permitted to be entered by paragraphs (a)(ii) and (b) if such action is necessary to protect the price-support program for sugar beets and sugar cane.

(d) Any quantitative limitation imposed on a beneficiary country under paragraphs (a)(ii) and (b) shall apply only to the extent that such limitation permits a lesser quantity of sugar, sirups, and molasses to be entered from that country than the quantity that would be permitted to be entered under any other provision of law."

[FR Doc. 83-32452
Filed 12-1-83; 3:06 pm]
Billing code 3195-01-C

Presidential Documents

Proclamation 5134 of December 2, 1983

Carrier Alert Week, 1983

By the President of the United States of America

A Proclamation

A major problem faced by our Nation's elderly and homebound is isolation. For many, friends and spouses have died, and families have moved away. When no one is left to check in on these individuals on a regular basis, illness or injury may go undetected until more serious consequences—even death—may result.

The United States Postal Service and the National Association of Letter Carriers are doing something to alleviate this problem. In growing numbers of towns and cities all across America, they are involved in a program called "Carrier Alert" in which mail carriers monitor the mailboxes of participating residents for unusual accumulations of mail which may signal distress. When such an accumulation occurs, the Postal Service notifies a local sponsoring social service agency which investigates and provides any necessary assistance.

Because mail carriers are in a unique position to be able to spot this kind of trouble quickly, the "Carrier Alert" program provides an effective and valuable service to the community. Participation in the program is entirely voluntary and costs nothing to postal customers. Since the inception of the "Carrier Alert" program in 1982, numerous press accounts around the country have documented instances in which the program has saved the lives or eased the sufferings of elderly or disabled people who would have been left to languish alone in their pain but for a carrier's concern.

To encourage the American people to become more aware of the "Carrier Alert" program, to participate more broadly in it, and to recognize the efforts of the United States Postal Service and the National Association of Letter Carriers in providing this public-spirited assistance, the Congress, by Senate Joint Resolution 141, has designated the week of December 4, 1983, through December 10, 1983, as "Carrier Alert Week" and has authorized and requested the President to issue a proclamation in observance of that week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning December 4, 1983 as "Carrier Alert Week." I call upon the American people to observe that week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of December, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and eighth.

Ronald Reagan

[FR Doc. 83-32546
Filed 12-2-83; 11:59 am]
Billing code 3195-01-M

Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 439, Amdt. 1; Lemon Reg. 440]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period December 4–10, 1983, and increases the quantity of lemons that may be shipped during the period November 27–December 3, 1983. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

DATES: The regulation becomes effective December 4, 1983, and the amendment is effective for the period November 27–December 3, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

This final rule is issued under Marketing Order No. 910, as amended (7 CFR Part 910) regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy currently in effect. The committee met publicly on November 29, 1983, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for all grades of lemons is good on larger sizes and has improved on smaller sizes.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the Act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

PART 910—[AMENDED]

1. Section 910.740 is added as follows:

§ 910.740 Lemon Regulation 440.

The quantity of lemons grown in California and Arizona which may be handled during the period December 4, 1983, through December 10, 1983, is established at 265,000 cartons.

2. Section 910.739 Lemon Regulation 439 (48 FR 53087) is revised to read as follows:

§ 910.739 Lemon Regulation 439.

The quantity of lemons grown in California and Arizona which may be handled during the period November 27, 1983, through December 3, 1983 is established at 260,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Dated: December 1, 1983.

Charles R. Brader,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83-32418 Filed 12-1-83; 12:31 pm]

BILLING CODE 3410-02-M

7 CFR Part 981

Handling of Almonds Grown in California; Salable, Reserve, and Export Percentages for the 1983–84 Crop Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule establishes salable, reserve, and export percentages of 97 percent, 3 percent, and 0 percent, respectively, for marketable California almonds received by handlers during the 1983–84 crop year, which began July 1, 1983. This action is taken under the marketing order for almonds grown in California to develop almond butter and school lunch outlets as viable long-term markets for almonds.

EFFECTIVE DATE: July 1, 1983 through June 30, 1984.

FOR FURTHER INFORMATION CONTACT: Frank M. Grasberger, Acting Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447–5053.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum 1512–1 and has been classified a "non-major" rule under criteria contained therein.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

It is found that good cause exists for not postponing the effective date of this action until 30 days after publication in

the **Federal Register** (5 U.S.C. 553). The marketing order for California almonds requires that the salable, reserve, and export percentages established for a particular crop year apply to all marketable almonds received by handlers from the beginning of that year. The 1983–84 crop year began July 1, 1983, and handlers are now receiving new crop almonds.

Notice of this action was published in the October 25, 1983, issue of the **Federal Register** (48 FR 49254), and interested persons were afforded an opportunity to submit written comments. One comment was received in favor of the proposal and one comment was received in opposition.

The authority to establish salable, reserve, and export percentages is pursuant to § 981.47 of the marketing agreement and Order No. 981, both as amended (7 CFR Part 981), regulating the handling of almonds grown in California and hereinafter referred to collectively as the "order." The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The percentages were based on a recommendation of the Almond Board of California, hereinafter referred to as the "Board."

Pursuant to §§ 981.47 and 981.49 of the order, the Board based its recommendation for salable, reserve, and export percentages of 97 percent, 3 percent, and 0 percent, respectively, on estimates of marketable supply and combined domestic and export trade demand for the 1983–84 crop year. The Board's marketable production estimate of 230 million kernel weight pounds is based on its 1983 crop estimate of 250 million pounds minus an estimated weight loss of 20 million pounds. The weight loss is expected from the removal of inedible kernels by handlers and losses during manufacturing.

Trade demand is estimated at 320 million pounds—130 million pounds for domestic needs and 190 million pounds for export needs. An inventory adjustment is made to account for supplies of almonds carried in from the 1982–83 marketing year and for supplies deemed desirable to be carried out on June 30, 1984, for early season shipment during the 1984–85 crop year until the 1984 crop is available for market. After adjusting for inventory, the salable supply of 1983 crop almonds is calculated at 223.1 million pounds, the quantity of almonds from the 1983 estimated marketable production necessary for trade demand needs. The salable percentage of 97 percent would meet those needs.

The remaining 3 percent of the 1983 marketable production must be withheld by handlers to meet their reserve obligations. These almonds will be used chiefly to continue the development of almond butter and school lunch markets begun during the 1982–83 crop year. The development of such outlets is a long-term necessity for the industry because of anticipated larger crops. The Board hopes to develop a permanent consumer demand for almond butter and related products that, in time, will absorb a large quantity of almonds. In addition, the Board plans to continue promoting the use of almonds in school lunch programs with the objective of encouraging school authorities to buy almonds for those programs on a regular basis. Reserve almonds could also be disposed of in other noncompetitive outlets as specified in the order or approved by the Board.

The order permits the Board to include normal export requirements with domestic requirements in its estimate of trade demand when recommending the establishment of salable, reserve, and export percentages for any crop year. For the 1983–84 crop year, estimated exports are included in trade demand, thereby making export a salable outlet rather than a reserve outlet. Because of this action, no portion of the reserve will be eligible for export to normal outlets. Thus, an export percentage of 0 is established.

A complete tabulation of the estimates and calculations used by the Board in arriving at its recommendation is as follows:

MARKETING POLICY ESTIMATES—1983 CROP

[Kernel weight basis]

	Million lbs.	Percent
Estimated production:		
1. 1983 Crop	250.0	
2. Loss and exempt—8.0 percent	20.0	
3. Marketable production	230.0	
Estimated trade shipments:		
4. Domestic	130.0	
5. Export	190.0	
6. Total	320.0	
Inventory trade shipments:		
7. Carrying 7/1/83	178.9	
8. Estimated carryover 6/30/84	82.0	
9. Adjustment (8 minus 7)	(96.9)	
Salable/Reserve:		
10. Salable supply (6 plus 9)	223.1	
11. Reserve supply (3 minus 10)	6.9	
12. Salable percent (10 divided 3 x 100)		97.0
13. Reserve percent (100 percent minus 12)		3.0

The commentator favoring the proposal states that the market development program which began in the 1982–83 crop year should continue into the 1983–84 crop year, irrespective of this year's crop size. Also, continuation of this program without interruption is essential to the development and expansion of almond butter and school lunch markets.

The commentator in opposition to the proposal indicates that the small 1983 crop does not warrant establishment of a reserve for market development. That commentator states that a reserve would be contrary to the White House directive which allows only those allocation and reserve pool proposals which will permit unrestricted sales of at least 110 percent of prior year's average sales. However, based on a 1983 crop of 250 million pounds as projected at the time of the proposal, a 97 percent free percentage would make 402 million pounds of almonds available for unrestricted sales—24 percent above the record high sales of 1981. Based on a crop of 228 million pounds as currently projected, a 97 percent free percentage would make 382.4 million pounds of almonds available for unrestricted sales—18.1 percent above 1981 sales.

The commentator also points out that most of last year's reserve almonds went to inedible outlets rather than the almond butter outlet. While this is correct, it should be noted that the almond butter program was new to the industry last year and required considerable start-up time. The program is now building momentum, and supplies of almond butter must be available to buyers if the program is to continue and expand. An interruption in the program would undo the almond butter development work begun last year.

The commentator also objected to the increased burden a three percent reserve places on his operation. The order must be administered equitably and any reserve percentage established under it must apply to all handlers regulated under the order, regardless of the size of their operations.

For these reasons, the objections of the commentator are denied.

Therefore, after consideration of all relevant matter presented, including that in the notice, the Board's recommendation, the comments received, and other available information, it is further found that the establishment of salable, reserve, and export percentages, as hereinafter set forth, will tend to effectuate the declared policy of the act.

List of Subjects in 7 CFR Part 981

Marketing agreements and orders, Almonds, California.

Section 981.232 is added to Subpart—Salable, Reserve, and Export Percentages to read as follows: (This subpart and section will not appear in the Code of Federal Regulations.)

PART 981—ALMONDS GROWN IN CALIFORNIA

Subpart—Salable, Reserve, and Export Percentages

§ 981.232 Salable, reserve, and export percentages for almonds during the crop year beginning July 1, 1983.

The salable, reserve, and export percentages during the crop year beginning July 1, 1983, shall be 97 percent, 3 percent, and 0 percent, respectively.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 30, 1983.

Russell L. Hawes,

Acting Deputy Director, Fruit and Vegetable Division.

[FR Doc. 83–32160 Filed 12–2–83; 8:45 am]

BILLING CODE 3410–02–M

Animal and Plant Health Inspection Service

9 CFR Part 92

[Docket No. 83–103]

Air and Ocean Ports

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of final rule.

SUMMARY: This document affirms that portion of a final rule which deleted Los Angeles and San Francisco, California, from the list of air and ocean ports at which Veterinary Services (VS) maintains quarantine stations for animals. These provisions of the rule are necessary because there are no such quarantine stations at Los Angeles or San Francisco, California.

EFFECTIVE DATE: December 5, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Melvin R. Crane, VS, APHIS, USDA, Room 846, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8170.

SUPPLEMENTARY INFORMATION:

Background

On July 13, 1983, a document was published in the **Federal Register** (48 FR 32002–32005), which, among other things, updated the list of air and ocean ports at which Veterinary Services maintains quarantine stations for animals by deleting Los Angeles and San Francisco, California, from the list of ports in § 92.3(a). Los Angeles and San Francisco, California were deleted from the list because VS does not maintain quarantine stations at these ports.

The final rule was made effective on July 13, 1983.

Comments were solicited in response to the deletion of Los Angeles and San Francisco, California, as air and ocean ports where quarantine facilities are maintained by VS, and none were received. The factual situation which was set forth in the document of July 13, 1983, still provides a basis for the amendment.

Executive Order 12291 and Regulatory Flexibility Act

This action has been reviewed in conformance with Executive Order 12291 and Secretary's Memorandum 1512–1, and has been determined to be not a "major rule." The Department has determined that this action will not have a significant annual effect on the economy, will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not have any adverse effects on competition, employment, investment, productivity, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this rulemaking action, the Office of Management and Budget has waived their review process required by Executive Order 12291 and the Department of Agriculture has waived the requirements of Secretary's Memorandum 1512–1.

This document affirms that portion of a final rule which deleted Los Angeles and San Francisco from the list of air and ocean ports in § 92.3(a), because VS does not maintain quarantine stations at these ports.

Under the circumstances explained above, Mr. Bert W. Hawkins, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 9 CFR Part 92

Animal diseases, Imports, Livestock and livestock products, Mexico, Poultry and poultry products, Quarantine, Transportation, Wildlife.

Accordingly, it has been determined that the deletion of Los Angeles and San Francisco, California, from the list of air and ocean ports at which VS maintains quarantine stations for animals should remain effective as published in the **Federal Register** on July 13, 1983.

Authority: Sec. 2, 32 Stat. 792, as amended; secs. 2, 4, and 11, 76 Stat. 129, 130, 132 (21 U.S.C. 111, 134a, 134c, and 134f); 7 CFR 2.17, 2.51, and 371.2(d).

Done at Washington, D.C. this 28th day of November, 1983.

K. R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 83–32319 Filed 12–2–83; 8:45 am]

BILLING CODE 3410–34–M

FARM CREDIT ADMINISTRATION

12 CFR Parts 614, 615 and 619

Loan Policies and Operations; Funding and Fiscal Affairs; Definitions

AGENCY: Farm Credit Administration.

ACTION: Final rule.

SUMMARY: The Farm Credit Administration ("FCA"), by its Federal Farm Credit Board ("Federal Board"), adopts new regulations and amends existing regulations concerning general loan policies and operations to allow loan participations among banks and associations of the Farm Credit System ("System"). These new regulations and amendments implement various provisions to the Farm Credit Act Amendments of 1980 (Pub. L. 96–592 ("1980 Amendments")).

EFFECTIVE DATE: Thirty days from this publication date, provided either or both Houses of Congress are in session. Notice of date will be published.

FOR FURTHER INFORMATION CONTACT: Joseph M. Beltramo, Projects and Planning Division, (202) 755–6255;

or

Rose M. Ferguson, Bank Services Division, (202) 755–5943, Farm Credit Administration, 490 L'Enfant Plaza, SW., Washington, D.C. 20578.

SUPPLEMENTARY INFORMATION: On May 6, 1983, the FCA noticed and published for public comment proposed new and amended Regulations 12 CFR Parts 614, 615, and 619 (48 FR 20426–20431). The new regulations are 12 CFR 619.9135 and 619.9195. The amended regulations are 12 CFR 614.4090, 614.4100, 614.4110 614.4120, 614.4180, 614.4190, 614.4230, 614.4240, 614.4330, 614.4331, 614.4332, 614.4333, 614.4334, 614.4350, 614.4351, 614.4352, 614.4353, 614.4354, 614.4510, 615.5050, and 615.5060. Detailed explanations of the proposed regulations may be found in the preamble to the proposed rulemaking in the **Federal Register** (48 FR 20426–20427). For purposes of the supplementary information, certain terms are designated as follows: Farm Credit Administration (FCA); Federal Farm Credit Board (Federal Board); Farm Credit System (System); Federal land bank (FLB); Federal intermediate credit

bank (FICB); production credit association (PCA); bank for cooperatives (BC); other financing institutions (OFIs); Farm Credit Act of 1971, as amended, 12 U.S.C. 2001–2260 (Act).

Fifteen parties commented on the proposed regulations, including 12 System banks, 2 divisions of a trade association, and 2 commercial banks. The Federal Board considered all of the comments received and adopted final regulations in the course of its September 1983 meeting. Only those comments expressing objections to the regulations or substantive changes are discussed in detail below. A number of comments suggested technical or editorial changes, and while many of these suggestions were adopted by the Federal Board, they are not discussed in this preamble.

One party suggested deleting the phrase "as specified by the Farm Credit Administration" in § 614.4090. The Federal Board rejected this suggestion and decided to retain the wording in the proposed regulation as it is consistent with section 1.6 of the Act.

One commentator suggested that § 614.4100 should be amended to permit FICBs to participate in loans with non-System financial institutions that have an approved discount OFI agreement in effect. The Federal Board declined to adopt this change because the Act does not authorize FICBs to participate in loans with non-System institutions.

One party suggested substitution "other lenders" for "other financial institutions" in the second sentence in § 614.4120. The Federal Board did not adopt this suggestion because "other lenders" is substantially broader than "other financial institutions," which is a term used in section 3.1 of the Act authorizing the BCs to participate in loans.

One party suggested that the last sentence in § 614.4180 be amended to include other System institutions and to specify the other types of lenders with which an FLB may participate in loans. The Federal Board adopted both of these suggestions.

Several comments were received on § 614.4330. Several parties objected to the limitation placed on the amount of participations that a System bank may purchase. Another commentator stated that if the intent was to limit risk, the 15-percent limitation should be based on net loans for district BCs. Another commentator did not see the need for the participation volume limitation as long as individual lending limits are observed and credit administration follows sound banking practices. Another stated that limitations should be imposed for all participations, whether originated by System or non-System institutions. Finally, a party suggested that district boards develop policies covering the total amount of loan participations that a System institution may purchase. After considering these comments, the Federal Board amended the regulation to allow district boards to set loan participation volume limitation for district institutions. The purpose of the loan participation volume limit is to prevent any System bank from becoming a bank of participation to other System and commercial banks rather fulfilling its primary function of serving the credit needs of eligible borrowers in its district. Accordingly, FCA will use 15 percent of a bank's total new loan volume as a general guideline in approving district board loan participation volume limits of district banks.

Several parties commented on the requirement that loan participation agreements provide for arbitration of controversies under the agreement between System institutions. The Federal Board has amended the regulation to make this clear. The Federal Board did not agree that arbitration should be required in agreements between System and non-System institutions since it believes such a requirement might set up an unnecessary and artificial barrier to loan participations between System and non-System institutions and might be injurious to future System/non-System lending institution relationships. On the other hand, due to numerous intra-System relationships, it is in the System's best interest to avoid litigation among System institutions and use arbitrators to settle disputes. Dispute resolution between System and non-System institutions should be resolved by contract or the judicial system. However, the regulation does not preclude System banks from negotiating an arbitration clause in a participation agreement with a non-System institution.

Several commentators suggested adding spreading of risk to the objectives to be accomplished by loan participations in § 614.4330(a)(1). The Federal Board declined to adopt this suggestion, but has made several modifications to the regulation to aid in containing risks related to loan participations. A requirement has been added that loan participation agreements providing for other than pro rata sharing of the loan in risk must be approved by the FCA. Such a provision is currently required of BC participation agreements and has been extended to all System bank participation agreements. In addition, § 614.4330(c)(10) prohibits the inclusion in loan participation agreements of any clause requiring the seller of a loan participation to repurchase the participation. Permitting mandatory loan participation repurchase clauses could have the effect of lessening the degree to which purchasing institutions properly analyze loans based on an incorrect belief that the loan risk is thereby reduced. The Federal Board also amended § 614.4330(b) requiring the banks to safeguard the interests of all stockholders where loans are participated among jointly staffed or managed institutions. This is designed to preclude jointly managed institutions from selling participations between themselves where such loans are likely to have an adverse impact on the present or future financial condition of the purchasing System institution even though the sale of the participation may be advantageous to the borrowers of the selling System institution. The banks must develop procedures for ensuring such safeguards in § 614.4330(d)(1). Finally, the Federal Board adopted several restructuring and editorial changes to the regulation at the suggestion of several commentators.

A number of parties commented on the terms and conditions under which an FLB could participate with non-System lenders. Three commentators noted that the authorization to participate with non-System lenders does no parallel that of PCAs. One party suggested that the PCA authorization should be made as restrictive as the FLB's. Two parties suggested that the FLB authorization should be liberalized to be identical with the PCA authorization. Two parties stated that the FLB limitation on participation with non-System lenders denied commercial banks full and fair access to FLB participations contrary to the clear intent of Congress in the passage of the 1980 Amendments. One party stated that the proposed § 614.4331(b) is vague and ambiguous and does not specifically outline the terms and conditions whereby an FLB may participate with a non-System lender. The Federal Board did not agree with the comments that the 1980 Amendments provide commercial banks with a right to access FLBs and PCAs through loan participations. The 1980 Amendments amended section 1.6 of the Act to permit FLBs to participate with other lenders in loans as defined by the FCA. The House Committee on Agriculture, in favorably recommending the 1980 Amendments, noted that the FCA supported loan

participations with non-System lenders in order to meet the expanded credit needs of farmers. H.R. Rep. No. 1287, 96th Cong., 2d Sess. 55 (1980). The primary reason for granting authority to participate loans with non-System lenders was to provide FLBs with more flexible tools to meet the credit and financial needs of agricultural and aquatic producers. Loan participations between PCAs and other lenders developed similarly nearly a decade ago. Because FLBs have had no prior exposure to loan participations with non-System lenders, the Federal Board believed that it would be appropriate for the regulation governing this activity to emphasize agricultural and aquatic producers as the primary beneficiaries of any FLB/non-System loan participation. The Federal Board agreed that the regulation should be modified to clarify the framework under which FLBs and non-System lenders may participate. Accordingly, the final regulation has been amended to require that a borrower must receive significantly better terms, conditions, or services not obtainable through a direct FLB loan in order for an FLB to participate with a non-System lender.

One commentator suggested that § 614.4333(a) does not allow for instances where an FICB has delegated authority to an association to enter into loan participation agreements without prior approval. The Federal Board agreed and has modified the regulation accordingly.

This party also suggested amending the regulation to limit PCAs to participating with non-System lenders in loans that PCAs are authorized to make under the Act and FCA Regulations. The Board also agreed with this suggestion and has added § 614.4333(c)(3) to address this issue.

One party commented that a paragraph should be added to § 614.4334 establishing that BC loan participations are subject to the requirements of § 614.4330 and the circumstances in which a BC can participate a loan with commercial banks and financial institutions. The Federal Board adopted the suggestion and has added § 614.4334(a) to address these issues. Another party commented that district BCs should be allowed to participate with non-System financial institutions and commercial banks if the loan is less than the district BC's lending limit. The Federal Board agreed and has amended the regulation to reflect this. Another party stated that the proposed regulation is overly restrictive in requiring Central Bank concurrence for a BC to offer participation to other lenders in all cases. This party stated that the present regulations implied that only Central Bank concurrence is necessary if the Central Bank declines to accept the participation offered. This is not correct. The Federal Board did not change the portion of the regulation requiring BCs to offer the Central Bank participations in loans in excess of the BC lending limit.

A number of commentators objected to the general lendings of § 614.4350 and the specific BC lending limits of § 614.4354. The commentators recommended adopting the System task force proposal on loan participations that would set a lending limit at 10 percent of the capital and surplus of the 37 Farm Credit banks for all System loans outstanding to one borrower. Some commentators stated that it was discriminatory to maintain a lending limit for the BC system without having similar limits for the FLB and FICB system banks. Some commentators stated that maintaining the current BC lending limit negates the purpose for which Congress amended the Act—to permit inter-System loan participation. They stated that the BC system wanted to be able to handle the total needs of its large borrowers within the System and therefore supported the legislative change. The Federal Board has considered all of these comments very carefully and has decided to retain the current lending limits for System banks. The current BC lending limit permits a loan to a single borrower of over $500 million. Allowing the FLBs and FICBs to participate in BC loans spreads the risk of large loans to large cooperatives throughout the System and fulfills one of the main purposes of the inter-System loan participation authority. The Federal Board considered FCA staff's research on the legal and self-imposed lending limits of national and foreign financial institutions and concluded that it would be imprudent to waive the current BC lending limit to a single borrower.

A party pointed out that the proposed § 614.4510 requires FICB loan servicing policies to be followed in a loan participation between a PCA and an FICB. The effect of this requirement may force some PCAs to liberalize their policies in some instances. The Federal Board agreed with the suggestion and has eliminated the last sentence from subsection (b) in the final regulation.

One party commented that § 615.5050 needs amending to reflect that the value of any participation pledged as collateral be limited to the bank or association portion of the loan purchased. The Federal Board acknowledged the party's concern and has amended the regulation to limit the collateral carrying value on loans on which an FLB participates to the FLB's portion of the appraised value of the loan.

One party suggested that § 615.5060 relating to FLB special collateral requirements be expanded to apply to loan participations with non-System lenders as well as System institutions. The Federal Board agreed and amended the regulation accordingly.

Finally, two comments were received regarding the definition of loan participation in § 619.9195. Both parties suggested that the regulation be amended to include non-System lenders in the definition of loan participation. The Federal Board agreed and has amended the regulation accordingly.

List of Subjects in 12 CFR Parts 614, 615, and 619

Accounting, Agriculture, Banks, banking, Credit, Government securities, Investments, Rural areas.

For reasons set out in the preamble, Parts 614, 615, and 619 of Chapter VI, Title 12 of the Code of Federal Regulations are amended as shown:

PART 614—LOAN POLICIES AND OPERATIONS

Subpart C—Lending Authorities

1. Section 614.4090 is revised to read as follows:

§ 614.4090 Federal land banks.

The banks are authorized to make long-term real estate mortgage loans in rural areas as defined by the Farm Credit Administration or to producers or harvesters of aquatic products, for a term of not less than 5 years nor more than 40 years. Federal land banks may participate in loans with other Farm Credit System banks, production credit associations, and lenders which are not Farm Credit System institutions as set forth in §§ 614.4330 and 614.4331. Subject to limitations applicable to making long-term real estate mortgage loans, the banks are authorized to make continuing commitments to make loans and to extend financial assistance of a similar nature. Policies established by the bank's board shall be followed in making loans, in continuing commitments for loans, and in extending other financial assistance. Borrowers shall be permitted to make advance payments on their loans or, under agreement with the banks, to make advance conditional payments to be applied to future maturities or to be available for return to the borrower for

purposes for which the bank would increase their existing loans. Banks may pay interest on advance conditional payments for the time the funds are held unapplied at a rate not to exceed the rate charged on the related loan(s).

2. Section 614.4100 is amended by revising paragraph (a) to read as follows:

§ 614.4100 Federal intermediate credit banks.

(a) The banks are authorized to make loans and extend other similar financial assistance to, and to discount for or purchase from, production credit associations, with their endorsement or guaranty, any note, draft, and other obligation presented by such association. In addition, the banks may participate in loans with other Farm Credit System institutions, as set forth in §§ 614.4330 and 614.4332.

* * * * *

3. Section 614.4110 is revised to read as follows:

§ 614.4110 Production credit associations.

Each production credit association, under policies established by the bank board and procedures prescribed by the bank, may make or guarantee short- and intermediate-term loans and provide other similar financial assistance to eligible borrowers. Short- and intermediate-term loans may be made for a term not exceeding 7 years, or such longer periods, not to exceed 10 years as provided in § 614.4200. Loans to eligible producers or harvesters of aquatic products for the purposes enumerated in § 614.4200(d) may be for a term not exceeding 15 years. In addition, production credit associations may participate in loans and other similar financial assistance with other Farm Credit System institutions and with other lenders which are not Farm Credit System institutions as set forth in §§ 614.4330 and 614.4333.

4. Section 614.4120 is amended by revising paragraph (a) to read as follows:

§ 614.4120 Banks for cooperatives.

(a) The banks are authorized to make loans and commitments to eligible cooperatives and to extend to them other financial assistance, including, but not limited to, discounting notes and other obligations, guarantees, and collateral custody. The banks may participate with other Farm Credit System banks, production credit associations, and other financial institutions in loans as set forth in §§ 614.4330 and 614.4334. The banks are authorized to make or participate in loans, commitments, and extend other technical and financial assistance to a domestic or foreign party with respect to its transactions with a voting stockholder of the bank and to a domestic or foreign party in which such stockholder has at least a minimum ownership interest for the export or import of agricultural commodities, farm supplies, or aquatic products through purchases, sales, or exchanges. The voting stockholder must substantially benefit as a result of such a loan, commitment, or assistance for the purpose of facilitating the cooperative's export or import operations. This type of activity shall be made under policies established by the bank's board of directors and approved by the Farm Credit Administration.

* * * * *

Subpart E—Loan Terms and Conditions

5. Section 614.4180 is amended by revising paragraph (a) to read as follows:

§ 614.4180 Federal land banks.

(a) Loans may be made for not less than 5 years nor more than 40 years. The basis of approval shall set out the terms and conditions under which a loan is approved. When necessary to assure proper understanding, provide needed controls, and protect the lender, a formal written loan agreement shall be developed between the borrower and the bank. In addition, the banks may participate in loans with other Farm Credit System institutions and other lenders which are not Farm Credit System institutions as set forth in §§ 614.4330 and 614.4331.

6. Section 614.4190 is amended by revising paragraph (a) to read as follows:

§ 614.4190 Federal intermediate credit banks.

(a) Loan participants between Federal intermediate credit banks and production credit associations shall be made under the same terms and conditions prescribed in § 614.4200 for production credit associations. Loan participations with *Farm Credit System banks* [Federal land banks and banks for cooperatives and other Federal intermediate credit banks] shall be made as set forth in §§ 614.4330 and 614.4332.

* * * * *

Subpart F—Security Requirements

7. Section 614.4230 is amended by revising paragraphs (a) and (c) and by adding a new paragraph, (d), to read as follows:

§ 614.4230 Federal land banks.

(a) Primary security for a Federal land bank loan shall consist of a first lien on an interest in real estate comprising agricultural property, an eligible farm-related business, an eligible rural residence, or real estate used as an integral part of an eligible aquatic operation, whichever is most appropriate for the type of loan being made. The real estate interest must be mortgageable under deeds or leases which reasonably may be considered adequate to allow the bank to have the security of a first lien upon such interest. Collateral closely aligned with, an integral part of, and normally sold with real estate may be included in the appraised value of the primary security upon which a loan is based. Values shall be determined according to the appraisal standards approved by the bank.

* * * * *

(c) Personal property used in farming or aquatic operations and considered as collateral for short- and intermediate-term credit will normally not be included as additional security. Before taking such personal property as additional security, the Federal land bank and Federal land bank associations shall consider whether all or a portion of the credit needs might be met more satisfactorily by a short- or intermediate-term loan such as may be obtained through a production credit association in accordance with district board policies established under § 616.6020.

(d) Security requirements for loan participations shall be as set forth in §§ 614.4330 and 614.4331.

8. Section 614.4240 is amended by revising paragraph (a) to read as follows:

§ 614.4240 Federal intermediate credit banks.

(a) Loans made by a Federal intermediate credit bank in participation with a production credit association or another Federal intermediate credit bank shall adhere to the same security requirements as prescribed in § 614.4250 for production credit associations. Security requirements for loan participations with Federal land banks or banks for cooperatives shall be as set forth in § 614.4330.

* * * * *

Subpart H—Loan Participations

9. Section 614.4330 is revised to read as follows:

§ 614.4330 General.

(a) Under policies established by the district boards and boards of directors of the respective banks and approved by the Farm Credit Administration, Farm Credit System banks and production credit associations may enter into loan participation agreements, as set forth in this subpart, to enable joint financing of individuals or legal entities authorized by the Act and the FCA Regulations to borrow from Farm Credit System institutions. District boards desiring to implement a loan participation program shall establish such policies and modify existing policies as necessary. These policies shall be submitted to the Farm Credit Administration for approval prior to implementation of the program in the district. These policies shall address:

(1) The basis under which district banks and production credit associations may enter into loan participations.

(2) Capitalization guidelines with respect to the portion of loans purchased.

(3) Criteria regarding the credit quality of loan participations that Farm Credit System institutions in the district may purchase.

(4) Identification and reporting of loans which are participated.

(5) Credit, financial, and adminstrative reviews of loans which are participated.

(6) The aggregate amount of loan participations that district Farm Credit System institutions may purchase based on a percentage of total net loan volume.

(7) Any limitations or conditions to the district program that the board deems appropriate, including arbitration.

(b) Loan participations shall accomplish one or more of the following objectives:

(1) Facilitate the sharing of credit expertise on specific loans.

(2) Provide servicing arrangements that are advantageous to Farm Credit System institutions in accommodating borrowers having special needs.

(3) Prudently meet the financing needs of larger borrowers.

(4) Improve the quality of credit service to the agricultural sector.

Loan participations shall not be used to circumvent the operations or financial requirements of any Farm Credit System institution. In loan participations between or among two or more jointly managed Farm Credit System institutions in the same district, the jointly managed institutions shall safeguard the interests of all affected stockholders.

(c) Loan participation agreements shall define the duties and responsibilities of both the originating institution and participating institution(s) consistent with the aforementioned objectives and sound business practices. At a minimum, loan participation agreements shall:

(1) Identify the particular loan or loans to be covered by the agreement;

(2) Provide for disbursement and repayment of loan funds;

(3) Provide for sharing, dividing, or assigning collateral;

(4) Provide for a loan service plan;

(5) Provide for collection procedures;

(6) Set forth authorization and conditions for action in the event of borrower distress or default;

(7) Provide for loss sharing;

(8) Set forth conditions for the offering and acceptance of the loan participation and termination of the agreement;

(9) Provide for capitalization requirement fees, interest charges, and cost sharing between participating institutions;

(10) Provide for arbitration of controversies or disagreements arising under the agreement between two or more Farm Credit System institutions;

(11) Contain any other term necessary for the appropriate administration of the loan and the protection of the interests of Farm Credit System institutions; and

(12) Not contain any provision requiring the seller of a loan participation to repurchase any portion of the loan participation sold.

(d) Additionally, loan participations should meet the following requirements:

(1) Each participating bank or association shall analyze each loan independently or, in the case of loan participations between or among two or more jointly managed institutions in the same district, provide procedures for each loan, to ensure that the interests of the stockholders of each institution are protected.

(2) Any Farm Credit System institution shall have the option to accept or reject a loan participation.

(3) Participating institutions, except in the case of two or more banks for cooperatives, shall be issued certificates evidencing an undivided interest in the loan.

(4) The amount of any loan retained or purchased by an individual Farm Credit System bank or association shall be subject to any prior approval requirements for that bank or association and shall be in accordance with the lending limits of Subpart J under this part.

(e) In addition to the other requirements of this section, loan participations between Farm Credit System institutions shall meet the following criteria:

(1) Borrower eligibility, membership, loan term, loan amount, loan security, and the requirement for the purchase of stock or participation certificates by the borrower shall be in accordance with the statutory and regulatory provisions under which the institution that originates the loan operates.

(2) All other terms shall be by agreement of the institutions consistent with the intent of these regulations for loan participations between Farm Credit System institutions.

(3) Farm Credit System banks originating loan participations and desiring to utilize differential interest rates to the borrower shall submit differential interest rate policies to the Farm Credit Administration in accordance with § 614.4280. Production credit associations originating loan participations shall obtain approvals for the use of differential interest rates to the borrower from the supervising Federal intermediate credit bank.

(4) Loan participation agreements between Farm Credit System banks which provide for other than pro rata sharing of the loan and risk require approval of the Farm Credit Administration.

10. Section 614.4331 is revised to read as follows:

§ 614.4331 Federal land banks.

(a) Federal land banks may enter into loan participation agreements with other Farm Credit banks and production credit associations as set forth in § 614.4330.

(b) Federal land banks may also participate, in accordance with § 614.4330, with lenders that are not Farm Credit System institutions in loans that Federal land banks are authorized to make under the Act and FCA Regulations provided the loan participation results in significantly beneficial or improved loan terms or conditions or services to the borrower which could not be obtained as a result of a direct Federal land bank loan. Such benefits to the borrower shall be documented in the loan file.

(c) Loan participation agreements between Federal land banks and production credit associations or lenders that are not Farm Credit System institutions shall be limited to loan financing operations located within the Federal land bank's chartered territory, or outside the Federal land bank's chartered territory in accordance with § 614.4070.

(d) In addition to the provisions contained in § 614.4330, participation agreements between Federal land banks and lenders which are not Farm Credit

System institutions shall be subject to the following limitations.

(1) To assure that such a loan participation agreement does not result in a lender which is not a Farm Credit System institution substantially shifting its lending away from agricultural, aquatic, farm-related service, and rural home loans, the lender with which the Federal land bank participates shall fulfill one of the following:

(i) Retain at least 50 percent of the total of each participated loan; or

(ii) Retain at least 10 percent of the total of each participated loan provided that the lender does not materially reduce its ratio of agricultural loans to total loans from the ratio maintained during the preceding 3 years; or

(iii) Retain the maximum amount of the participated loan permitted by Federal or state regulations to which the lender is subject.

(2) The lender shall provide evidence of financial responsibility and capability to service and control loans being made as a prerequisite to approval of a loan participation agreement.

11. Section 614.4332 is revised to read as follows:

§ 614.4332 Federal intermediate credit banks.

A Federal intermediate credit bank may enter into loan participation agreements with one or more Farm Credit System banks or production credit associations as set forth in § 614.4330.

12. Section 614.4333 is revised to read as follows:

§ 614.4333 Production credit associations.

(a) The associations may enter into participation agreements with one or more other production credit associations, Federal intermediate credit banks, Federal land banks, banks for cooperatives, commercial banks, or other lenders. All such agreements shall be subject to the prior approval of the supervising Federal intermediate credit bank unless the authority to enter into such agreements has been delegated to the association by the supervising bank, and shall be in accordance with § 614.4330. When the production credit association is the participant, the Federal intermediate credit bank shall evaluate, in addition to the overall terms of the proposed loan participation, the adequacy of the association's risk funds, the capability of the association to administer the loan properly in accordance with the loan participation agreement, and any other factors relating to the ability of the production credit association to carry out the terms of the agreement within the intent of § 614.4330.

(b) A production credit association shall only enter into loan participation agreements with lenders other than production credit associations on loans financing operations located within the production credit association's chartered territory, or outside the chartered territory in accordance with § 614.4070.

(c) In addition to the provisions contained in § 614.4330, participation agreements between production credit associations and commercial banks or other lenders which are not Farm Credit System institutions shall be subject to the following limitations:

(1) To assure that such a loan participation agreement does not result in a lender which is not a Farm Credit System institution substantially shifting its lending away from agricultural, aquatic, farm-related service, and rural home loans, the participating lender shall fulfill one of the following:

(i) Retain at least 50 percent of the total of each participated loan; or

(ii) Retain at least 10 percent of the total of each participated loan provided that the lender does not materially reduce its ratio of agricultural loans to total loans from the ratio maintained during the preceding 3 years; or

(iii) Retain the maximum amount of the participated loan permitted by Federal or state regulations to which the lender is subject.

(2) The lender shall provide evidence of financial responsibility and capability to service and control loans being made as a prerequisite to approval of a loan participation agreement.

(3) Production credit associations shall only enter into loan participations with lenders which are not Farm Credit System institutions on loans that production credit associations are authorized to originate under the Act and FCA Regulations.

13. Section 614.4334 is revised to read as follows:

§ 614.4334 Banks for cooperatives.

(a) The banks may enter into loan participation agreements with other Farm Credit System banks, production credit associations, commercial banks, or other financial institutions as set forth in § 614.4330. Banks for cooperatives may enter into plan participations with financial institutions which are not Farm Credit System institutions only on loans that banks for cooperatives are authorized to originate under the Act and FCA Regulations.

(b) A district bank for cooperatives shall first offer to the Central Bank for Cooperatives a participation in loans to a borrower when such loans exceed the lending limit of the bank. With the concurrence of the Central Bank, participations in loans in excess of a bank's lending limit may be offered to other Farm Credit System banks and production credit associations, commercial banks, or other financial institutions. A bank for cooperatives may offer a participation to other Farm Credit System banks, production credit associations, commercial banks, or other financial institutions in loans which are less than its lending limit; however, when total loans to such borrowers exceed the lending limit of the originating bank for cooperatives, further loans must be offered first to the Central Bank for Cooperatives. Loans in excess of the lending limit established by the Farm Credit Administration for banks for cooperatives on a consolidated basis may be made only when such excess amounts are sold as participations to commercial banks, or other financial institutions that are not Farm Credit System institutions.

(c) The form and terms of each participation agreement between the Central Bank for Cooperatives and a district bank of cooperatives shall be subject to Farm Credit Administration approval. In addition, supplemental agreements and modifications to existing agreements which directly affect capitalization, interest, and other items identified by the Farm Credit Administration shall be subject to Farm Credit Administration approval.

Subpart J—Lending Limits

14. Section 614.4350 is revised to read as follows:

§ 614.4350 General.

No Farm Credit System bank or association shall make a loan, advance, commitment, or provide financial assistance which will result in any one borrower being obligated to such bank or association in excess of limits stated in this subpart. When these limitations are approached, banks or associations should consider the feasibility of arranging participation in large loans with other banks, associations, and other lenders to properly serve the credit needs of deserving large credit worthy borrowers. Included in the calculation of lending limits to any one borrower shall be the amount of any participation in a loan(s) to that borrower purchased by the Farm Credit System bank or association.

15. Section 614.4351 is revised to read as follows:

§ 6145.4351 Federal land banks.

The total amount of loans, advances, commitments, financial assistance, and funds through the purchase of loan participation(s) that a Federal land bank may extend to any one borrower shall not exceed 20 percent of the capital and surplus of the bank.

16. Section 614.4352 is revised to read as follows:

§ 614.4352 Federal intermediate credit banks.

The total amount of funds that a Federal intermediate credit bank may extend through a loan participation(s) with Farm Credit System banks or production credit associations to any one borrower shall not exceed 20 percent of its capital and surplus.

17. Section 614.4353 is revised to read as follows:

§ 614.4353 Production credit associations.

The total amount of loans, advances, commitments, financial assistance, and funds through the purchase of a loan participation(s) that an association may extend to any one borrower shall not exceed 50 percent of the capital and surplus of the association. A lending limit of 100 percent of the capital and surplus of the association shall apply whenever an approved loss-sharing agreement is in force.

18. Section 614.4354 is amended by revising paragraphs (b), (c)(1), and (c)(2) to read as follows:

§ 614.4354 Banks for cooperatives.

* * * * *

(b) *Total system.* Loans outstanding at any one time to any one borrower from one or more district banks and the Central Bank for Cooperatives, exclusive of participations sold to lenders that are not Farm Credit System institutions, shall not exceed the percentages specified in paragraph (a)(1) applied to the combined net worth of the 13 banks for cooperatives as determined by the Farm Credit Administration. Loans made within previously established limits that become excessive because of changes in lending limits prescribed herein may be held and liquidated in accordance with terms individually specified by the Farm Credit Association.

(c) * * *

(1) Direct loans outstanding at any one time to any one borrower as defined by these regulations, exclusive of participations sold to others, shall not exceed the same lending percentages prescribed in paragraph (a)(1) for district banks.

(2) Participations in loans at any one time to any one borrower as defined by these regulations, exclusive of participations resold to institutions other than Farm Credit System institutions, shall not exceed amounts greater than the lending limit described in paragraph (b) less amounts held by Farm Credit System institutions.

* * * * *

Subpart N—Loan Servicing Requirements

19. Section 614.4510 is amended by revising the introductory paragraph and paragraphs (b), (c), and (d) to read as follows:

§ 614.4510 General.

The bank and associations that are originating lenders shall be responsible for the servicing of the loans which they make. However, loan participation agreements may designate specific loan servicing efforts to be accomplished by a participating institution. The bank board of directors shall direct the bank and associations to adopt loan servicing policies and procedures to assure that loans will be serviced fairly and equitably for the borrower while minimizing the risk for the bank and associations. Procedures shall include specific plans which help preserve the quality of sound loans and which help credit deficiencies as they develop.

* * * * *

(b) The supervisory Federal intermediate credit bank shall provide guidelines for the production credit associations to use in establishing their loan servicing policies and procedures plus any limitations requiring the approval of the bank.

(c) The servicing of loans which are participated in by Farm Credit System institutions shall be in accordance with § 614.4330.

(d) In the development of the bank and association loan servicing policies and procedures, the following criteria shall be included:

* * * * *

PART 615—FUNDING AND FISCAL AFFAIRS

Subpart B—Collateral

20. Section 615.5050 is amended by revising paragraph (d) to read as follows:

§ 615.5050 Policy.

* * * * *

(d) When there is loan servicing, such as reamortization, extension, deferment, or partial release, the new unpaid balance may be used as the collateral carrying value:

(1) In loans originated by a Federal land bank, the carrying value shall not exceed 85 percent (97 percent if guaranteed by Federal, state, or other governmental agencies) of the appraised value established by the most recent appraisal report of the primary security.

(2) In loans which a Federal land bank participates with a lender which is not a Farm Credit System institution, the carrying value shall not exceed 85 percent (97 percent if guaranteed by Federal, state, or other governmental agencies) of the Federal land bank's portion of the appraised value, corresponding to the portion of the loan purchased by the bank divided by the total loan made to the borrower, established by the most recent apraisal report of the primary security.

* * * * *

21. Section 615.5060 is amended by adding "provisions of the Act." to the end of the last sentence in paragraph (b) and adding a new paragraph (c), to read as follows:

§ 615.5060 Special collateral requirement—Federal land banks.

* * * * *

(c) A loan participation agreement to which a Federal land bank is a participant and involving a loan originated by another lender shall constitute an obligation meeting the collateral requirements of § 615.5050(a).

* * * * *

PART 619—DEFINITIONS

22. 12 CFR Part 619 is amended by adding § 619.9135 to read as follows:

§ 619.9135 Farm credit system institutions.

All institutions chartered and supervised by the Farm Credit Administration, including the Federal land banks, the Federal land bank associations, the Federal intermediate credit banks, the production credit associations, the banks for cooperatives, and service organizations chartered under Title IV, Part D, of the Act.

23. 12 CFR Part 619 is amended by adding § 619.9195 to read as follows:

§ 619.9195 Loan participation.

A loan having two or more lenders. The originating lender makes the loan and sells part of an undivided interest in the loan to one or more other lenders pursuant to a participation agreement.

(Secs. 5.9, 5.12, 5.16, Pub. L. 92-181, 85 Stat. 619, 620, 621 (12 U.S.C. 2243, 2246 and 2252))

Donald E. Wilkinson,

Governor.

[FR Doc. 83-32231 Filed 12-2-83; 8:45 am]

BILLING CODE 6705-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 83-NM-67-AD; Amdt. 39-4775]

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) which requires inspection and replacement, as required, of the engine pylon diagonal brace aft attach fuse pins on the inboard pylons. One operator has reported two instances of a fractured fuse pin and its retaining bolt. This action is required to prevent possible separation of the engine from the wing.

DATE: Effective January 9, 1984. Compliance as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service bulletin may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information may also be examined at the address shown below.

FOR FURTHER INFORMATION CONTACT: Mr. Owen Schrader, Airframe Branch, ANM-120S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, telephone (206) 431-2923. Mailing address: Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an AD to require inspection/replacement of the engine strut diagonal brace-to-wing fuse pins was published in the **Federal Register** on August 18, 1983 (48 FR 37426). The comment period for the proposal closed on September 26, 1983.

Interested persons have been afforded an opportunity to participate in the making of this AD. Due consideration has been given to all comments received. Comments were received from seven operators and the Air Transport Association of America.

Several commenters requested an increase in the proposed 175 landings threshold, after the effective date, to allow for phase-in of the inspection requirements with significant maintenance visits. The FAA concurs that this may be done without impacting safety. Therefore, paragraph A. has been changed to require inspections within 350 landings after the effective date of this AD.

Another commenter requested that eddy current inspection be approved as an alternate to ultrasonic inspection. The FAA concurs that this method could provide equivalent safety. Operators desiring to utilize this method should submit it for approval in accordance with paragraph D. of the AD.

Another commenter requested that magnaflux inspection be approved as an alternate to ultrasonic inspection. The FAA does not concur that this would provide equivalent safety since the method is not sensitive enough to detect small cracks on the inner bore of the pin.

Another commenter requested wording to allow the FAA Maintenance Inspector, subject to prior approval by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, to adjust the repetitive inspection interval. The FAA concurs, and paragraph G. has been added accordingly.

Another commenter requested that the airplanes that had incorporated the corrosion protection modification of Boeing Service Bulletin 747-54-2040 (Nacelle Strut Fuse Pin Corrosion Inspection and Prevention), not be required to perform the initial inspection until 1000 landings or the next scheduled maintenance period, whichever is less. The FAA does not concur, since Service Bulletin 747-54-2040 addresses only corrosion problems and it now appears that cracks are also resulting from other causes, such as improper surface finishing.

Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued which requires inspection of the fuse pins of certain Boeing 747 series airplanes and replacement of the fuse pins as terminating action.

It is estimated that 113 airplanes of U.S. operators will be affected by this AD, that it will take approximately 38 manhours per airplane to accomplish the required actions, and that the average labor cost will be $35 per manhour. Repair parts are estimated at $2,480 per airplane. Based on these figures the total cost impact of the AD is estimated to be $430,530. For these reasons the AD is not considered to be a major rule under the criteria of Executive Order 12291. Few, if any, small entities within the meaning of the Regulatory Flexibility Act will be affected.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the proposed rule with the changes noted.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Boeing: Applies to Boeing Model 747 series airplanes certificated in all categories listed in Boeing Service Bulletin 747-54-2101, dated April 11, 1983, or later FAA approved revisions. To prevent failure of the inboard strut diagonal brace-to-wing fuse pin, accomplish the following, unless already accomplished:

A. Prior to the accumulation of 5000 landings, or within 350 landings after the effective date of this AD, whichever occurs later, perform a visual or ultrasonic inspection for cracks in the fuse pin bore in recessed shear plane areas in accordance with the Boeing Service Bulletin 747-54-2101, dated April 11, 1983, or later FAA approved revisions. Repeat the inspections thereafter at intervals not to exeed 350 landings if visual methods are used or 1200 landings if ultrasonic methods are used.

B. If any cracks are found in the fuse pin, replace the pin prior to further flight.

C. Installation of the new pin design configuration in accordance with Boeing Service Bulletin 747-54-2101, dated April 11, 1983, or later FAA approved revisions, is terminating action for this AD.

D. Alternate means of compliance with the AD which provides an equivalent level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

E. For purposes of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing each airplane's time in service by the operator's fleet average from takeoff to landing for the airplane type.

F. Aircraft may be ferried to a base for maintenance in accordance with § 21.197 and 21.199 of the Federal Aviation Regulations.

G. Upon request of the operator, an FAA Maintenance Inspector, subject to prior approval of the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of an operator, if the request contains substantiating data to justify the adjustment period.

This amendment becomes effective January 9, 1984.

(Secs. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1345(a), 1421 through 1430 and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89)

Note.—For the reasons discussed earlier in the preamble, the FAA has determined that this regulation is not considered to be major under executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities since it involves few, if any, small entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

Issued in Seattle, Washington on November 25, 1983.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 83-32273 Filed 12-2-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 83-NM-38-AD; Amdt. 39-4776]

Airworthiness Directives; British Aerospace Corporation Model BAC 1-11 200 and 400 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) applicable to British Aerospace Corporation BAC 1-11 200 and 400 series airplanes which requires replacement of certain spring discs in the nose landing gear after a specified number of landings. This is necessary to prevent a possible collapse of the nose wheel landing gear.

DATE: Effective January 9, 1984.

ADDRESSES: The service bulletin specified in this AD may be obtained upon request to British Aerospace, Inc., Librarian, Box 17414, Dulles International Airport, Washington, D.C. 20041 or may be examined at the address shown below.

FOR FURTHER INFORMATION CONTACT: Mr. Sulmo Mariano, Foreign Aircraft Certification Branch, ANM-150S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 431-2979. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: The Civil Aviation Authority of the United Kingdom (CAA) has classified British Aerospace Service Bulletins 32-A-PM2437 and 32-A-PM5191 as mandatory. AD 66-24-03 (31 FR 12921, October 4, 1966) requires specific service life limits for certain Belleville spring washers used in the nose landing gear up/down lock jacks to prevent fatigue failure of the springs. AD 66-24-03 is based on the first above listed service bulletin.

Fatigue failures and laboratory evaluation of second generation Belleville spring washers prompted the manufacturer to issue Alert Service Bulletin 32-A-PM5191 which prescribes replacement of the Belleville spring system with a coil spring system and establishes reduced service life for certain second generation Belleville spring washers; five revisions of this service bulletin have been issued.

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive specifying life limits for the nose landing gear up/down lock jack spring discs that have been introduced by the various issues of Service Bulletin 32-A-PM5191 was published in the **Federal Register** on July 25, 1983 (48 FR 33720). The comment period closed on September 12, 1983, and interested persons have been afforded an opportunity to participate in the making of this amendment. One comment was received; it stated that their service experience and present maintenance and inspection program do not warrant the short life limits specified in the proposal. The AD provides for alternate means of compliance where operators can demonstrate an equivalent level of safety.

It is estimated that 63 U.S. registered airplanes will be affected by this AD, that it will take approximately 5 manhours per airplane to accomplish the required actions, and that the average labor cost will be $35 per manhour. Repair parts are estimated at $500 per airplane. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be $42,525. For these reasons, this rule is not considered to be a major rule under the criteria of Executive Order 12291. Few small entities within the meaning of the Regulatory Flexibility Act will be affected.

Therefore, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adopton of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

British Aerospace: Applies to Model BAC 1-11 200 and 400 series airplanes, certificated in all categories. To prevent collapse of the nose landing gear, accomplish the following, unless previously accomplished:

A. For pre-modification PM5766 up/down lock jacks:

(1) Tonks spring discs—P/N AK43-1283.

(i) Must be replaced prior to the accumulation of 4,000 landings or within 500 landings after the effective date of this AD, whichever comes later.

(ii) Must be functionally tested in accordance with paragraphs 2.3 and 2.4 of Service Bulletin 32-A-PM5191, Issue 5, dated May 15, 1981, prior to the accumulation of 4,000 landings or within 100 landings after the effective date of this AD, whichever comes later.

(2) Terry discs—P/N AB43-2579 and Spring Master discs—P/N AB43-2745:

(i) Must be replaced prior to the accumulation of 8,000 landings or within 500 landings after the effective date of this AD, whichever comes later.

(ii) Must be functionally tested in accordance with paragraphs 2.3 and 2.4 of the service bulletin prior to the accumulation of 6,000 landings or within 500 landings after the effective date of this AD, whichever comes later; and thereafter at intervals not to exceed 500 landings, until replaced in accordance with paragraph A(2)(i), above.

B. For post-modification PM5766 up/down lock jacks:

(1) Tonks spring discs—P/N AK43-1283.

(i) Must be replaced prior to the accumulation of 8,000 landings or within 500 landings after the effective date of this AD, whichever comes later.

(ii) Must be functionally tested in accordance with paragraphs 2.3 and 2.4 of the service bulletin prior to the accumulation of 4,000 landings or within 500 landings after the effective date of this AD, whichever comes later; and thereafter at intervals not to exceed 500 landings, until replaced in accordance with paragraph B(1)(i), above.

(2) Terry discs—P/N AB43-2579 and Spring Master Discs—P/N AB43-2745.

(i) Must be replaced prior to the accumulation of 10,000 landings or within 500 landings after the effective date of this AD, whichever comes later.

(ii) Must be functionally tested in accordance with paragraphs 2.3 and 2.4 of the service bulletin prior to the accumulation of 8,000 landings or within 500 landings after the effective date of this AD, whichever comes later; and thereafter at intervals not to exceed 500 landings, until replaced in accordance with paragraph B(2)(i), above.

C. Terminating action for this AD is accomplished by incorporation of helical coil

springs into the up/down lock jack, BAe Modification 32-PM5191.

D For the purpose of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing each airplane's hours time in service by the operator's fleet average time from takeoff to landing for the airplane type.

E. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

F. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

This amendment becomes effective January 9, 1984.

(Sections 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89)

Note.—For the reasons discussed earlier in the preamble, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "**FOR FURTHER INFORMATION CONTACT.**"

Issued in Seattle, Washington on November 25, 1983.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 83-32274 Filed 12-2-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket Number 83-ACE-16]

Alteration of Transition Area—Charles City, Iowa

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to alter the 700-foot transition area at Charles City, Iowa, to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Charles City Municipal Airport, Charles City, Iowa, utilizing a Non-Directional Radio Beacon (NDB) installed on the airport as a navigational aid. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

EFFECTIVE DATE: March 15, 1984.

FOR FURTHER INFORMATION CONTACT: Dwaine Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION: To enhance airport usage, an additional instrument approach procedure to the Charles City Municipal Airport, Charles City, Iowa, is being established utilizing an NDB on the airport as a navigational aid. The establishment of this new instrument approach procedure based on this navigational aid entails alteration of the transition area at Charles City, Iowa, at and above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Discussion of Comments

On pages 43338 and 43339 of the **Federal Register** dated September 23, 1983, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Charles City, Iowa. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., March 15, 1984, by altering the following transition area:

Charles City, Iowa

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Charles City Municipal Airport (Latitude 43°04'15" N., Longitude 92°36'15" W.); and within 3 miles each side of the 315° bearing from Charles City NDB (Latitude 43°04'18", Longitude 92°36'35"), extending from the 5-mile radius area to 8.5 miles northwest of the airport; and within 3 miles each side of the 113° bearing from Charles City NDB extending from the 5-mile radius area of 8.5 miles southwest of the airport.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and Sec. 11.69 of the Federal Aviation Regulations (14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will not affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on November 22, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-32276 Filed 12-2-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket Number 83-ACE-15]

Designation of Federal Airways, Area Low Point Routes, Controlled Airspace and Reporting Points; Alteration of Transition Area—Eagle Grove, Iowa

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: The nature of this federal action is to alter the 700-foot transition area at Eagle Grove, Iowa, to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Eagle Grove Airport, Eagle Grove, Iowa, utilizing a Non-Directional Radio Beacon (NDB) installed on the airport as a navigational aid. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

EFFECTIVE DATE: March 15, 1984.

FOR FURTHER INFORMATION CONTACT: Dwaine Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION: To enhance airport usage, an additional instrument approach procedure to the Eagle Grove Airport, Eagle Grove, Iowa, is being established utilizing an NDB on

the airport as a navigational aid. The establishment of this new instrument approach procedure based on this navigational aid entails alteration of the transition area at Eagle Grove, Iowa, at and above 700-feet above the ground (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Discussion of Comments

On pages 43340 and 43341 of the **Federal Register** dated September 23, 1983, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend Section 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Eagle Grove, Iowa. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition area.

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.M.T. March 15, 1984, by altering the following transition area:

Eagle Grove, Iowa

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Eagle Grove, Iowa, Airport (Latitude 42°42'35" N., Longitude 93°54'49" W); and within 2.5 miles either side of the Fort Dodge, Iowa, VOR 071° radial extending from the 5-mile radius area to 6 miles southwest of the airport; and within 3 miles either side of the 151° bearing from the Eagle Grove NDB (Latitude 42°42'31" N., Longitude 93°54'37" W.) extending from the 5-mile radius area to 8.5 miles southeast of the airport; and within 3 miles either side of the 306° bearing from the NDB extending from the 5-mile radius area to 8.5 miles northwest of the airport excluding that airspace overlying the Clarion. Iowa, transition area.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, Jan. 12, 1983); and Sec. 11.69 of the Federal Aviation Regulations (14 CFR 11.69)

Note: The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; Feb. 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on November 22, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-32275 Filed 12-2-83; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76-209; Wyoming-17; Order No. 351]

High-Cost Gas Produced From Tight Formations; Wyoming

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determined that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the State of Wyoming Oil and Gas Conservation Commission that an area of the Bear River Formation located in Lincoln, Sublette and Sweetwater Counties, Wyoming, be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective January 3, 1984.

FOR FURTHER INFORMATION CONTACT: Robert Ellis (202) 357-8511 or Victor Zabel (202) 357-8616.

SUPPLEMENTARY INFORMATION:

Issued: December 2, 1983.

The Commission hereby amends § 271.703(d) of its regulations to include an area of the Bear River Formation located in Lincoln, Sublette and Sweetwater Counties, Wyoming, including: (i) The area located north and east of the La Barge Platform area; (ii) the area contiguous to the northern and western boundaries of the Bear River Formation previously accorded tight formation status;[1] and (iii) the area under the same area as the Frontier Formation portion previously accorded tight formation status,[2] as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by the Director, Office of Pipeline and Producer Regulation, issued August 2, 1983 (48 FR 35,664, August 5, 1983)[3] based on a recommendation by the State of Wyoming Oil and Gas Conservation Commission (Wyoming) in accordance with § 271.703, that portions of the Bear River Formation be designated as a tight formation.

Evidence submitted by Wyoming supports the assertion that the subject area of the Bear River Formation meets the guidelines contained in § 271.703(c)(2).[4] The Commission adopts the recommendation.

This amendment shall become effective January 3, 1984.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, *Code of Federal Regulations* is amended as set forth below.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 271—[AMENDED]

Section 271.703 is amended as follows:

1. The authority citation for Part 271 reads as follows:

Authority: Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432; Administrative Procedure Act, 5 U.S.C. 553.

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[1] *See,* Order No. 171, 18 CFR 271.703(d)(72) (1983).

[2] *See,* Order No. 216, 18 CFR 271.703(d)(54) (1983).

[3] Comments and requests for a public hearing were invited, and the Commission received one comment from Champlin Petroleum Corporation in support of the Wyoming recommendation. No one requested a public hearing and no hearing was held.

[4] The United States Department of the Interior, Bureau of Land Management concurs with the Wyoming recommendation.

2. Section 271.703 is amended by adding paragraph (d)(156) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.*

* * * * *

(156) *Bear River Formation in Wyoming.* RM79–76–209 (Wyoming—17).

(i) *Delineation of formation.* The Bear River Formation is found in Lincoln, Sublette and Sweetwater Counties, Wyoming, in Townships 25 and 26 North, Range 109 West, All; Township 26 North, Range 112 West, Northeast ¼; Township 27 North, Range 112 West, East ½; Township 28 North, Range 112 West, West ⅓; Township 28 North, Range 113 West, Northeast ¼; Township 29 North, Range 111 West, West ½; Township 29 North, Range 112 West, All; Township 29 North, Range 113 West, Sections 1 through 27, and 34 through 36; Townships 30 and 31 North, Ranges 112 and 113 West, All; 6th P.M.

(ii) *Depth.* The Bear River Formation's vertical limits are defined by the Mowry Shale Formation above and the Thermopolis Shale Formation below. The gross thickness of the formation varies from 10 to 40 feet. The average depth to the top of the Bear River Formation is 9,000 feet.

[FR Doc. 83–32282 Filed 12–2–83; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and Organization; Commissioner of Food and Drugs

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations for delegations of authority by adding two new authorities delegated by the Assistant Secretary for Health to the Commissioner of Food and Drugs. The authorities being added are under section 9 of the Small Business Act as amended by Pub. L. 97–219 and sections 982 and 983 of the Consumer-Patient Radiation Health and Safety Act of 1981, as amended.

EFFECTIVE DATE: December 5, 1983.

FOR FURTHER INFORMATION CONTACT: Robert L. Miller, Office of Management and Operations (HFA–340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4976.

SUPPLEMENTARY INFORMATION: On June 1, 1983, the Assistant Secretary for Health issued a memorandum delegating to the Commissioner the authority under section 9 of the Small Business Act (15 U.S.C. 638), as amended by Pub. L. 97–219, to administer a Small Business Innovation Research Program. Excluded from the delegation was the authority to promulgate regulations, establish advisory councils and committees, appoint members to advisory councils and committees, and submit reports to Congress. The authority delegated may be redelegated with further redelegation authorized. In § 5.10 (21 CFR 5.10), new paragraph (a)(25) is being added to incorporate this delegation.

On October 5, 1983, the Assistant Secretary for Health issued a memorandum delegating to the Commissioner, with authority to redelegate, the authority under sections 982 and 983 of the Consumer-Patient Radiation Health and Safety Act of 1981, as amended (42 U.S.C. 10007 and 10008), excluding the authority to promulgate regulations and submit reports to Congress. The authority delegated under section 983 may only be exercised as it relates to the functions of the Food and Drug Administration. In § 5.10 (21 CFR 5.10), new paragraph (a)(26) is being added to incorporate this delegation.

List of Subjects in 21 CFR Part 5

Authority delegations (Government agencies), Organization and functions (Government agencies).

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 5 is amended in § 5.10 by adding new paragraph (a) (25) and (26) to read as follows:

PART 5—DELEGATION OF AUTHORITY AND ORGANIZATION

§ 5.10 Delegation from the Secretary, the Assistant Secretary for Health, and Public Health Service Officials.

(a) * * *

(25) To administer a Small Business Innovation Research Program under section 9 of the Small Business Act (15 U.S.C. 638), as amended. The delegation excludes the authority to promulgate regulations, establish advisory councils and committees, appoint members to advisory councils and committees, and submit reports to Congress.

(26) Functions vested in the Secretary under sections 982 and 983 of the Consumer-Patient Radiation Health and Safety Act of 1981 (42 U.S.C. 10007 and 10008), as amended. The delegation excludes the authority to promulgate regulations and submit reports to Congress. The authority delegated under section 983 of the Act may only be exercised as it relates to functions assigned to the Food and Drug Administration.

* * * * *

Effective date. This regulation shall become effective December 5, 1983.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)))

Dated: November 29, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83–32290 Filed 12–2–83; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Solar Energy and Energy Conservation Bank

24 CFR Part 1895

[Docket No. R–83–1135; FR–1886]

Bylaws; Amendment

AGENCY: Solar Energy and Energy Conservation Bank, HUD.

ACTION: Amendment of Bylaws.

SUMMARY: The Bylaws of the Solar Energy and Energy Conservation Bank were adopted by the Board of Directors at its July 22, 1980 meeting and published in the **Federal Register** at 45 FR 61290. These Bylaws are authorized by Title V of the Energy Security Act, the Solar Energy and Energy Conservation Act of 1980, which provides for a Board of Directors to oversee programs of assistance for solar energy improvements and energy conservation improvements for residential, agricultural and commercial properties. Section 7.01 of the Bylaws states that the Bylaws may be amended or altered by a majority vote of the Board at any meeting at which a quorum is present, provided that notice of such proposed amendment or change shall have been included in the notice given to the Directors of such meeting. In accordance with § 7.01 of the Bylaws, the Bylaws have been duly amended by the Board of Directors at its November 22 and December 17, 1982 meetings. The amendments are technical in nature.

EFFECTIVE DATE: The amendment of § 3.02 of the Bylaws was effective December 17, 1982, the date of its adoption by the Board; other

amendments herein were effective November 22, 1982, the date of their adoption by the Board.

FOR FURTHER INFORMATION CONTACT: Grant E. Mitchell, Recording Secretary and Assistant General Counsel for New Communities, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 10248, Washington, D.C. 20410 (202-755-6550).

SUPPLEMENTARY INFORMATION: Although these Bylaws are codified at 24 CFR Part 1895, they are not rules or regulations and are not subject to the deferred effective date requirements of Section 7(o)(3) of the Department of HUD Act with respect to legislative review. These Bylaws are not listed in the Department's semi-annual agenda of significant rules, published pursuant to Executive Order 12221.

List of Subjects in 24 CFR Part 1895

Energy conservation, Organization and functions (Government agencies), Seals and insignia, Solar energy.

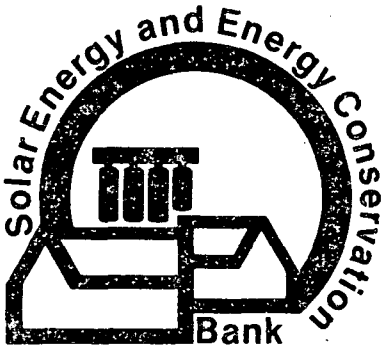
Accordingly, the Appendix to § 1895.1 in 24 CFR is amended as follows:

PART 1895—BYLAWS

1. In § 1.04, the first sentence and the design of the seal of the Bank are revised as follows:

§ 1.04 Seal.

The seal of the Bank is set forth below and may be affixed to any documents by impression, facsimile, printing, rubber stamp or otherwise.



2. Section 3.02 is revised to read as follows:

§ 3.02 Composition: Substitute Directors.

The Board shall consist of five (5) Directors (the "Directors") who shall be the Secretaries of Housing and Urban Development, Energy, Treasury, Agriculture and Commerce. Each Director may designate under the established delegation provisions of his or her Department one person who shall occupy a position equivalent at least to Assistant Secretary, who may act in the absence of the designating Director ("a Substitute Director"). Each Director may also designate an Alternate Substitute Director for the purpose of attending and participating in meetings of the Board in the absence of the Substitute Director. The Alternate Director shall also occupy a position equivalent at least to Assistant Secretary. In the event of the designation of a Substitute Director (or an Alternate Substitute Director), the Substitute Director, in the absence of the designating Director (or the Alternate Substitute Director) will be deemed to be a member of the Board and will have all the powers and duties of the Director. Any act of the Substitute Director (or Alternate Substitute Director) in his or her capacity thereof will constitute an act of the designating Director.

The Substitute Director or Alternate Substitute Director will serve until the designation of a replacement. Any reference in these Bylaws in any section other than Section 3.02 to a Director shall be construed also to be a reference to a Substitute Director or Alternate Substitute Director.

3. Section 3.04 is revised to read as follows:

§ 3.04 Meetings.

Meetings of the Board shall be held in the Chairperson's conference room in the Department of Housing and Urban Development in the City of Washington, D.C., upon the call of the Chairperson unless notice of another place is given. Written notice of any meeting shall be given at least three days before the meeting. The attendance of a Director at a meeting will constitute a waiver of notice of the meeting. One or more Directors may request in writing a meeting of the Board and upon receipt of such request, the Chairperson will establish a meeting date at the earliest convenient time.

4. Section 4.02 is revised to read as follows:

§ 4.02 The President.

The office of President of the Bank is established within the Department of Housing and Urban Development. The President shall be appointed by the President of the United States with the advice and consent of the United States Senate.

The President shall be the chief executive officer of the Bank, and under the general direction of the Board shall have responsibility for management and supervision of the affairs of the Bank. The President will be responsible for the preparation of the Annual Report of the Bank, and shall submit the Annual Report to the Board for approval and issuance. Except as otherwise prescribed by these Bylaws, the President shall have the power and authority to perform all duties ordinarily incident to the office of president and shall perform such other duties as may be assigned from time to time by the Board. As Secretary to the Board, the President shall have such duties and responsibilities as the Board may assign.

The President shall appoint an Executive Vice President for Energy Conservation and an Executive Vice President for Solar Energy. The President shall designate one of the Executive Vice Presidents of the Bank to act in the event of his or her absence or disability. The designated Executive Vice President will have all of the functions, powers, and duties of the President during the term of absence or disability of the President. The positions of Executive Vice President for Energy Conservation and Executive Vice President for Solar Energy may be filled by the same person.

The Board shall set the compensation for the Executive Vice Presidents.

5. Section 4.05 is revised to read as follows:

§ 4.05 The Recording Secretary.

The Board shall designate a Recording Secretary. The Recording Secretary shall keep the minutes of all meetings of the Board and maintain the minute book, shall be the custodian of the records and seal of the Bank, shall give proper notice of meetings of Directors, and in general shall perform all the duties ordinarily incident to the office of corporation secretary and such other duties as may be assigned by the Board. The Recording Secretary is expressly empowered to attest all signatures on, and to affix the seal to, all documents the execution of which on behalf of the Bank under its seal is duly authorized. The Board may also designate as many Assistant Recording Secretaries as may be needed to perform the functions of the Recording Secretary.

6. Section 5.04 is revised to read as follows:

§ 5.04 Operations of the Advisory Committee.

Members of each Advisory Committee shall elect a chairperson of the Committee. The Advisory Committees will comply with the Federal Advisory Committee Act, except to the extent that

Title V of the Energy Security Act specifically otherwise provides.

Authority: Title V of the Energy Security Act, the Solar Energy and Energy Conservation Act of 1980, secs. 505 and 506, Pub. L. 96-294 (12 U.S.C. 3603 and 3604).

Dated: November 23, 1983.

Samuel R. Pierce, Jr.,

Secretary of Housing and Urban Development and Chairperson of the Board of Directors, Solar Energy and Energy Conservation Bank.

[FR Doc. 83-32254 Filed 12-2-83; 8:45 am]

BILLING CODE 4210-32-M

VETERANS ADMINISTRATION

38 CFR Part 3

New Active Duty Group

AGENCY: Veterans Administration.

ACTION: Final regulation amendment.

SUMMARY: The Veterans Administration is amending its regulation concerning persons who are included as having served on active duty. The need for this action results from a recent decision of the Secretary of the Air Force that the service of the members of the group known as the Guam Combat Patrol constitutes active military service in the Armed Forces of the United States for purposes of all laws administered by the Veterans Adminstration. The effect of this amendment is to confer veteran status for VA benefit purposes on former members of this group who were discharged under honorable conditions.

DATE: This amendment is effective May 10, 1983, the date that the Secretary of the Air Force held that service in the group constitutes active duty.

FOR FURTHER INFORMATION CONTACT: Robert M. White, Department of Veterans Benefits (211B), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 389-3005.

SUPPLEMENTARY INFORMATION: Pursuant to 38 CFR 1.12, the Veterans Adminstration finds that prior publication of this change for public notice and comment is impracticable and unnecessary. The Veterans Administration has no discretion in this matter. The decision of the Secretary of the Air Force concerning active duty status is binding on the Veterans Administration.

For this reason, this amendment is also not subject to the Regulatory Flexibility Act, 5 U.S.C. 601-612, since they do not come within the term "rule" as defined in that act.

In accordance with Executive Order 12291, Federal Regulation, the Administrator has determined that this regulation amendment is nonmajor for the following reasons: (1) It will not have an effect on the economy of $100 million or more; (2) It will not cause a major increase to costs or prices; and (3) It will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

There is no Catalog of Federal Domestic Assistance Number.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pensions, Veterans.

Approved: November 14, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

PART 3—[AMENDED]

In 38 CFR Part 3, § 3.7(x) is amended by adding new paragraph (11) to read as follows:

§ 3.7 Persons included.

* * * * *

(x) *Active military service certified as such under section 401 of Public Law 95-202.* * * *

(11) Guam Combat Patrol. (38 U.S.C. 210(c)(1))

[FR Doc. 83-32294 Filed 12-2-83; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[A-8-FRL 2481-7]

Designation of Areas for Air Quality Planning Purposes; Redesignation of the Sweetwater County TSP Nonattainment Area; Wyoming

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: EPA is approving Wyoming's request to redesignate to attainment of the primary standard for total suspended particulate (TSP) that portion of Sweetwater County which is now primary nonattainment. Air quality in the area does not yet meet secondary standards. Monitoring data collected in that area show that the primary national ambient air quality standards for TSP are being attained in the area.

DATES: This action will be effective on February 3, 1984, unless notice is received by January 4, 1984, that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of the redesignation request are available for public inspection between 8:00 a.m. and 4:00 p.m. Monday through Friday at the following office: Environmental Protection Agency, Region VIII, Air Programs Branch, 1860 Lincoln Street, Denver, Colorado 80295.

FOR FURTHER INFORMATION CONTACT: John Notar, Air Programs Branch, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295, (303) 837-3711.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 9050), the trona mining and milling area in Sweetwater County was designated as a TSP primary nonattainment area under section 107 of the Clean Air Act. The designation was made after an evaluation by the State of Wyoming showed that emissions from the trona processing facilities in the area were contributing to violations of the TSP primary ambient air quality standards. A plan developed to control these emissions was approved by EPA on July 2, 1979 (44 FR 38475). Emissions from the various sources of TSP have been reduced significantly as the control measures have been implemented according to SIP schedules.

On January 13, 1983, Wyoming submitted a request to redesignate the area to primary attainment status. It is EPA policy to allow such a change if it can be demonstrated with air quality data that the standard has been achieved for eight consecutive quarters (two years). In its submission, Wyoming provided data from seventeen monitoring sites operated by the three companies in the area. Of the fifteen sites not on company property, none showed a violation of the TSP primary standard in 1981 or 1982. The highest annual geometric mean in 1981 was 68.2 ug/m^3 recorded at one site. In 1982 the highest site recorded a value of 60.1 ug/m^3. The other two monitoring sites which show exceedances of the annual primary standard are located within fenced plant property. Their locations preclude access to the public and therefore the air in the vicinity of these stations is not considered to be ambient.

Also provided in the State's submittal is a demonstration that the data used as a basis for the determination is valid. Although the State does not operate the monitors, the monitoring was conducted according to regulations in 40 CFR Part 58. The data are thus appropriate for use in demonstrating attainment. On

January 1, 1983, revised requirements went into effect for special purpose networks such as that in the trona area. In the future, all the monitoring stations used to demonstrate attainment must meet additional quality assurance requirements described in 40 CFR 58.13, and appendices A and E to this part.

EPA is approving Wyoming's request to redesignate to attainment of the primary standard the trona area TSP nonattainment area. Air quality in the area does not yet meet secondary standards. The area therefore remains nonattainment for secondary TSP standards.

The public is advised that this action will be effective February 3, 1984. However, if we receive written notice by January 4, 1984 that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw this final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under section 307(b)(1) of the Clean Air Act, petitions for review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 3, 1984. This action may not be challenged later in proceedings to enforce its requirements (See 307(b)(2)).

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

This rulemaking is issued under the authority of Sections 107 and 110 of the Clean Air Act (42 U.S.C. 7410).

Note.—Incorporation by reference of the State Implementation Plan for the State of Wyoming was approved by the Director of the Federal Register on July 1, 1982.

Dated: November 22, 1983.

William D. Ruckelshaus,

Administrator.

PART 81—[AMENDED]

Title 40, Part 81 of the Code of Federal Regulations is amended as follows:

1. In § 81.351, the Table is revised as follows:

§ 81.351 Wyoming.

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Trona industrial area (Sweetwater County)		x		
Rest of State				x

[FR Doc. 83-32224 Filed 12-2-83; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 2650

Interim Waiver of Regulations and Establishment of Policy

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of interim waiver and establishment of policy.

SUMMARY: This rule waives 43 CFR 2650.5-1(b) pending the publication of final rules reflecting the Department's change in policy related to the chargeability of submerged lands, and establishes a policy that will not require that certain submerged lands be charged against the entitlement of Alaska Native corporations pursuant to the Alaska Native Claims Settlement Act or against the entitlement of the State of Alaska pursuant to the Alaska Statehood Act.

EFFECTIVE DATE: December 5, 1983.

ADDRESS: Comments regarding this notice should be sent to: Deputy State Director for Conveyance Management, Alaska State Office, Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

FOR FURTHER INFORMATION CONTACT:

Beaumont C. McClure, (202) 343-6511.
Robert Arndorfer, (907) 271-5770.

SUPPLEMENTARY INFORMATION: Pursuant to 43 CFR 2650.0-8, regulations at 43 CFR 2650.5-1(b) are hereby waived pending the publication of final rules reflecting the Department's change in policy related to the chargeability of submerged lands.

Effective immediately, Alaska Native corporations organized pursuant to the Alaska Native Claims Settlement Act, Public Law 92-203, as amended (85 Stat. 685) (which are certified as eligible to receive land) and the State pursuant to the Alaska Statehood Act (72 Stat. 339), shall not be charged for submerged lands beneath water bodies hereafter meandered in accordance with this waiver or subsequent regulations.

Submerged lands beneath water bodies will be meandered in accordance with the principles in the Bureau of Land Management *Manual of Surveying Instructions*, 1973, Sections 3-115 through 123; except that monuments will not be placed upon the ground unless required by law or for good cause in the public interest. Whenever feasible, the process of photogrammetry will be used in surveying meander lines and planimetry will be used for acreage computations of the upland lots on plats of survey.

Those beds of tidal waters which were reserved at the time of Statehood and are less than 50 acres or 3 chains in width will not be meandered and will be charged against Native and State entitlement.

The policy for determining submerged lands chargeability for townships with approved plats of survey is as follows:

(a) For any approved plat on which patent has been issued to Alaska Native corporations and/or the State of Alaska, there will be no readjustment of acreage charged against entitlement;

(b) For any approved plat on which patent has not been issued to Alaska Native corporations and/or the State of Alaska, the acreage of meanderable water bodies appearing on the plat will be calculated and not charged against entitlement. No adjustments, additions, or deletions of water bodies will be made on the plats for the expressed purpose of submerged lands chargeability.

Garrey E. Carruthers,

Assistant Secretary.

November 28, 1983.

[FR Doc. 83-32203 Filed 12-2-83; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

National Flood Insurance Program; Changes in Flood Elevation Determinations; Florida, et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Modified base (100-year) flood elevations are finalized for the communities listed below.

These modified elevations will be used in calculating flood insurance premium rates for new buildings and their contents and for second layer coverage on existing buildings and their contents.

DATES: The effective dates for these modified base flood elevations are indicated on the following table and amend the Flood Insurance Rate Map(s) (FIRM) in effect for each listed community prior to this date.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed on the following table.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of modified flood elevations for each community listed. These modified elevations have been published in newspaper(s) of local circulation and ninety (90) days have elapsed since that publication. The Associate Director, State and Local Programs and Support has resolved any appeals resulting from this notification.

Numerous changes made in the base (100-year) flood elevations on the Flood Insurance Rate Maps (FIRMs) for each community make it administratively infeasible to publish in this notice all of the changes contained on the maps. However, this rule includes the address of the Chief Executive Officer of the community, where the modified base flood elevation determinations are available for inspection.

The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65.

For rating purposes, the revised community number is shown and must be used for all new policies and renewals.

The modified base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations, together with the flood plain management measures required by 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities.

These modified base flood elevations shall be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for second layer coverage on existing buildings and their contents.

The changes in the base flood elevations are in accordance with 44 CFR 65.4.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

State and County	Location	Date and name of newspaper where notice was published	Chief Executive officer of community	Effective date of modification	Community No.
Florida: Broward	City of Fort Lauderdale (Docket No. FEMA-6564).	*The Sun Sentinel*, Jan. 14 and 21, 1983.	Hon. Robert A. Dressler, Mayor, City of Fort Lauderdale, P.O. Box 14250, Fort Lauderdale, FL 33302.	Dec. 15, 1982	125105D.
Orange	City of Winter Park (Docket No. FEMA-6564).	*Orlando Sentinel*, Jan. 28 and Feb. 4, 1983.	Hon. Hope Strong, Jr., Mayor, City of Winter Park, City Hall, 401 Park Avenue, South, Winter Park, FL 32789.	Feb. 4, 1983	120188C.
Mississippi: Lowdnes	City of Columbus (Docket No. FEMA-6564).	*The Commercial Dispatch* Oct. 29, and Nov. 5, 1982.	Hon. James M. Trotter, Mayor, City of Columbus, City Hall, P.O. Box 1408, Columbus, MS 39701.	Nov. 5, 1982	280108E.
Missouri: Randolph	City of Moberly (Docket No. FEMA-6510).	*Moberly Monitor-Index* Nov. 2, and Nov. 9, 1982.	Hon. Donald R. Schaffer, Mayor, City of Moberly, 109 N. Clark Street, Moberly, MO. 65270.	Nov. 9, 1982	290305B.
Tennessee: Hamilton	City of Soddy-Daisy (Docket No. FEMA-6510).	*Chattanooga Times* Aug. 6 and 13, 1982.	Hon. Robert Diehl, City Manager, P.O. Box 478, Soddy-Daisy, TN 37319.	June 1, 1983	475445C.
Texas: Dallas, Denton, Collin, Rockwall, Kaufman (FEMA Docket No. 6564.	Dallas, City	*Morning News*, July 8 and 15, 1983	Hon. Starke Taylor, Mayor of Dallas, City Hall, 1500 Marilla Street, Dallas, TX 75201.	July 1, 1983, letter of map revision.	480171C.
Galveston (FEMA Docket No. 6564).	League City, City	*League City News*, July 20 and 27, 1983.	Hon. Joe Lamb, Mayor of League City, 300 West Walker, League City, TX 77573.	July 8, 1983, letter of map revision.	485488C.
Oklahoma: Oklahoma (FEMA Docket No. 6564).	Edmond, City	*Edmond Sun*, July 29 and Aug. 5, 1983.	Hon. Carl F. Reherman, Mayor of Edmond P.O. Box 1260, Edmond, OK 73034.	July 22, 1983, letter of map revision.	400252A.
Wisconsin: Ozaukee (Docket No. FEMA-6450).	Unincorporated Areas	*News Graphic Pilot*, Sept. 29 and Oct. 6, 1982.	Hon. William Schroeder, Chairman, County Board, Ozaukee County, 121 West Main Street, Port Washington, 53074-0307.	Oct. 8, 1982	550310C

List of Subjects in 44 CFR Part 65

Flood insurance—flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: November 16, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-32307 Filed 12-2-83; 8:45 am]

BILLING CODE 6718-03-M

Proposed Rules

Federal Register
Vol. 48, No. 234
Monday, December 5, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1036

Milk in the Eastern Ohio-Western Pennsylvania Marketing Area; Termination of Proceeding on Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Termination of a proceeding on proposed suspension of rules.

SUMMARY: This action terminates a proceeding on a proposed suspension that would relax certain provisions of the Eastern Ohio-Western Pennsylvania Federal milk order relating to pooling standards for distributing plants. The suspension would have reduced the percentage of a distributing plant's milk receipts that must be disposed of on routes from 50 percent to 40 percent to qualify such a plant as a pool plant during the months of November 1983 through March 1984. This action was requested by the operator of a distributing plant which is regulated under the order. The handler claimed that the suspension would be needed to maintain pool status for the plant and all of the milk of dairy farmers associated with such plant during a labor strike, which had closed several grocery stores that buy a significant portion of the plant's fluid milk products.

Since this proceeding was initiated, the strike has ended and most of the grocery stores have reopened. Proponent indicates that it no longer needs the suspension action and wishes to withdraw its proposal. In view of this, no action is being taken on the request and the proceeding is hereby terminated.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447-7183.

SUPPLEMENTARY INFORMATION: Prior document is this proceeding:

Notice of Proposed Suspension: Issued October 31, 1983; published November 2, 1983 (48 FR 50549).

This termination of proceeding is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area.

This proceeding was initiated by a notice of proposed rulemaking published in the **Federal Register** on November 2, 1983 (48 FR 50549) concerning a proposed suspension of certain provisions of the order. Interested persons were invited to comment on the proposal in writing by November 9, 1983. The provisions that were proposed to be suspended for the months of November 1983 through March 1984 are as follows:

In Section 1036.7(a)(1), the words "50 percent (", and the words, "for each month of April through August)".

Statement of Consideration

The suspension action would have reduced the percentage of a distributing plant's receipts that must be disposed of on routes from 50 percent to 40 percent to qualify such a plant as a pool plant under the order during each month of November 1983 through March 1984. The present order provides that a distributing plant is a pool plant if such plant disposes of 50 percent (40 percent in April through August) of its receipts on routes during the month. By reducing the route disposition requirement from 50 percent to 40 percent for the months of November 1983 through March 1984, in effect, the suspension would have set the minimum route disposition percentage for distributing plants at 40 percent of such plant's receipts through August 1984.

The suspension was requested by Hawthorn Mellody, Inc., for its Brookfield Dairy distribution plant, which is regulated under the order. The handler was concerned that its distributing plant would be unable to meet the 50 percent route disposition requirement for pool plant status under the order beginning in November 1983 because a labor strike had closed several grocery stores that buy a significant portion of the plant's fluid milk products.

At the time of the request there was considerable speculation in the market that the stores could be closed for quite some time. For that reason, the handler asked that the minimum route disposition percentage required to qualify a distributing plant for pool status be lowered from 50 percent to 40 percent of such plant's receipts from November 1983 through March 1984.

Since the proceeding was initiated, the strike has ended and most of the grocery stores have reopened. Proponent has indicated to us that it will not need the proposed action to maintain pool status for its distributing plant during the November 1983–March 1984 period. In view of these circumstances, the handler asked that its proposal to suspend be withdrawn. Accordingly, the proceeding begun in this matter on November 2, 1983 is hereby terminated.

List of Subjects in 7 CFR Part 1036

Milk Marketing Order, Milk, Dairy Products.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Signed at Washington, DC. on November 29, 1983.

John E. Ford,

Deputy Assistant Secretary, Marketing and Inspection Service.

[FR Doc. 83-32350 Filed 12-2-83; 8:45 am]
BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Part 1942

Community Facility Loans

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration (FmHA) proposes to amend its regulations regarding Community Facility loans. The intended effects of these actions are to: (1) Provide more comprehensive guidance to applicants; (2) make certain paragraphs consistent with other related sections; (3) provide a means of public participation on FmHA financed projects; (4) provide direction to FmHA State and District Office personnel to ensure uniform implementation of

antidiscrimination policies; (5) provide direction for servicing and maintaining insurance for projects in operation; and (6) redefine policies on procurement, environmental considerations, resource, water, and energy conservation. This action is necessary to improve Community Program loan and grant making in rural areas.

DATES: Written comments must be received no later than February 3, 1984.

ADDRESSES: Submit written comments in duplicate to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6346–S, 14th and Independence Avenue, Washington, DC 20250. All written comments made pursuant to this notice will be available for public inspection during regular work hours at the address given above. The collection of information requirements contained in this rule have been submitted to OMB for review under section 3504(h) of the Paperwork Reduction Act of 1980. Submit comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Farmers Home Administration, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Wallis B. McArthur, Loan Specialist, Water Waste Disposal Division, Farmers Home Administration, Room 6322–S, or Gary J. Morgan, Civil Engineer, Community Programs, Room 6334–S, Washington, D.C. 20250, telephone (202) 382–9583.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under Secretary's Memorandum 1512–1 which implements Executive Order 12291, and has been determined to be a non-major action. This action will result in an annual effect on the economy of less than $100 million and will neither result in a major increase in cost or prices, nor adversely affect competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. This action adopts existing administrative policies and is not expected substantially to affect budget outlay, to affect more than one agency, or to be controversial. It is anticipated that this action will not significantly impact Federal work-years or program costs. Facility planning, procurement and construction will continue to be reviewed by FmHA for compliance with applicable regulations. Additional efforts to administer the proposed changes are expected to be minimal. Increased program costs are, therefore, not anticipated. The net result is expected to be a more efficient use of financial and natural resources. Sensitive lands will be protected, thereby discouraging flood plain development which will reduce potential flood damage. This will result in future savings of money, facilities, and lives. This amendment revises the planning, bidding, contracting, and constructing regulations for Community Facilities. These amendments implement the certain provisions of 7 CFR Part 3015, Uniform Federal Assistance Regulations and OMB Circular A–102, Attachment O, which establishes standards governing State and local grantee procurement. Affirmative steps to assure utilization of small and minority firms, women's business enterprises and labor surplus areas are expanded. In determining the compensation for a contract, the cost plus a percentage of cost and a percentage of construction cost shall not be used. Procurement methods are expanded to include small purchase procedures, competitive sealed bids, competitive negotiation, and noncompetitive negotiation. State energy conservation plans must be recognized in procurement actions, and the applicability of labor standards provisions are set forth. Provisions of the U.S.D.A. Departmental Regulation No. 9500–3, "Statement on Land Use Policy," are incorporated. Facility planning must be responsive to the people's needs. Statements on flood plains and wetlands, coastal zone management, wild and scenic rivers, and endangered species are included. Provisions have been added to implement Executive Order 12185, "Conservation of Petroleum and Natural Gas." Facility designs should consider energy saving devices.

This Proposed Rule includes water conservation provisions for water supply and treatment. Owners are encouraged, when economically feasible, to incorporate water conservation measures into a facility's design. Water system losses must be minimized and water meters must be used where appropriate. All FmHA funded facilities must be designed and constructed according to sound architectural and engineering practices. Section 1942.18 is revised and some paragraphs are rewritten to improve clarity.

Charles W. Shuman, Administrator, has determined that this action will not have a significant economic impact on a substantial number of small entities because these changes will provide more comprehensive guidance to applicants and make certain paragraphs consistent with other related actions.

This document has been reviewed in accordance with 7 CFR Part 1901, Subpart G, "Environmental Impact Statements." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

Seven major actions were considered: (1) Make no changes; (2) make certain paragraphs consistent with other related sections; (3) provide the public an opportunity for input in the scope and feasibility of projects undertaken in their community by holding at least one public information meeting; (4) incorporate into FmHA regulations the appropriate provisions of 7 CFR Part 3015 and OMB Circular A–102, Attachment O, (5) incorporate into FmHA reguations the appropriate provisions of the Department of Agriculture's land use policy; (6) clarify the Agency's position on energy savings; and (7) clarify the Agency's position as it relates to appropriate facility design for small communities and rural areas.

The Agency proposes to adopt options 2, 3, 4, 5, 6, and 7. It is believed these selections will clarify regulations, provide additional guidance to applicants and be the most practical, giving consideration to cost effectiveness.

The FmHA programs and projects which are affected by this regulation are subject to State and local clearinghouse review in the manner delineated in Part 1901 Subpart H of this chapter.

CFDA No. 10.418 Water and Waste Disposal Systems for Rural Communities.

CFDA No. 10.423 Community Facility Loans.

FmHA proposes to amend Subpart A of Part 1942, Chapter XVIII, Title 7, Code of Federal Regulations as follows:

(1) Amend § 1942.1 to add the FmHA policy with regard to extending its financial programs to physical and mental handicapped persons.

(2) Amend paragraph (e) of § 1942.2 to clarify FmHA policy for project financing jointly with other lenders.

(3) Amend § 1942.5(d)(5), to eliminate reference to section 37 of Form FmHA 1940–1 and to further clarify the process for obligating funds.

(4), Amend § 1942.9(b), to increase the level up to $100,000 for State Directors to approve use of negotiated methods of contracting for construction contracts.

(5) Revise § 1942.17(d), to identify eligible loan purposes.

(6) Revise § 1942.17(e)(1), to require FmHA to ensure that, if service is not being provided to a group of users that could logically and feasibly be served, documentation is submitted to substantiate the reasons service is not being provided. The Section is also revised to provide that the applicant consider service to existing nonincorporated communities adjacent to its corporate or legal boundaries.

(7) Revise § 1942.17(e)(4) to require that where inequities in the provision of existing water and/or waste disposal service by the applicant exist, the applicant must show how the inequity will be remedied before completion of the project that includes FmHA funding.

(8) Revise § 1942.17(f)(7), to require in most case that FmHA loans be amoritized for the maximum term permitted if FmHA grant funds are used in connection with the FmHA loan.

(9) Revise § 1942.17(j)(3), to delete the requirement for attaching a current and effective power-of-attorney to insurance policies.

(10) Revise § 1942.17(j)(3)(vi), to require the attachment of a certified and effective dated power-of-attorney on fidelity bonds.

(11) Revise § 1942.17(j)(4)(i), to provide further assurances for title for land, rights-of-way, easements or existing facilities.

(12) Add § 1942.17(j)(9), to require the applicant to inform the general public of development of proposed projects.

(13) Add § 1942.17(j)(10), to provide water and waste disposal services through individual facilities when there is no central facility.

(14) Revise § 1942.17(n)(1)(vii), to clarify the provision of providing adequate service to all persons within the service area who can feasibly and legally be served.

(15) Add § 1942.17(n)(i) to require a review of project cost before loan and/or grant closing.

(16) Amend § 1942.17 by adding paragraph (p)(2)(iii) to provide for handling loan funds that must be delivered at loan closing.

(17) Amend § 1942.17(p)(3)(ii), to change prior "approval" to prior "concurrence."

(18) Revise § 1942.17(p)(6) to clarify how funds remaining after construction is complete will be handled.

(19) Revise § 1942.17(q)(1), to require financial statements to be presented on an accrual basis.

(20) Amend § 1942.17, paragraphs (r)(1)(ii)(A) and (r)(3)(i) to change the dates the compliance visit and warranty inspection are to be completed so they will coincide.

(21) Amend § 1942.18 to revise the planning, bidding, contracting and constructing regulations for Community Facilities.

List of Subjects in 7 CFR Part 1942

Community development, Community facilities, Loan programs—Housing and community development, Loan security, Rural areas, Waste treatment and disposal, Water supply—domestic.

PART 1942—[AMENDED]

Therefore, FmHA proposes to amend Subpart A of Part 1942, Chapter XVIII, Title 7, Code of Federal Regulations as follows:

1. In § 1942.1, paragraph (a) is revised to read as follows:

§ 1942.1 General.

(a) This Subpart outlines the policies and procedures for making and processing insured loans for community facilities. The Farmers Home Administration (FmHA) shall cooperate fully with appropriate State and local agencies in the making of loans in a manner which will assure maximum support to the State strategy for rural development. FmHA State Directors and their staffs shall maintain coordination and liaison with State agency and substate planning districts. Funds allocated for use as prescribed in this Subpart are to be considered also for the use of Indian tribes within the State, regardless of whether State development strategies include Indian reservations within the State's boundaries. Indians residing on such reservations must have equal opportunity to participate in the benefits of these programs as compared with other residents of the State. It is the policy of FmHA to extend its financial programs without regard to race, color, religion, sex, national origin, marital status, age, or physical/mental handicap (provided the participant possesses the capacity to enter into legal contracts).

* * * * *

2. In § 1942.2, paragraph (e) is revised to read as follows:

§ 1942.2 Processing applications.

* * * * *

(e) *Joint funding.* FmHA may finance projects jointly with funds from other sources, such as, commercial/private lenders, Federal agencies, State and local governments, etc. Other departments, agencies, and executive establishments of the Federal Government may participate and provide financial and technical assistance jointly with FmHA to any applicant to whom assistance is being provided by FmHA. The amount of participation by the other department, agency, or executive establishment shall only be limited by its authorities except that any limitation on joint participation itself is superseded by section 125 of Pub. L. 95-334.

* * * * *

3. Section 1942.5 is amended by revising paragraphs (a)(1)(i), (a)(1)(ii), (a)(3), the introductory text of paragraph (b)(1), the introductory text of paragraph (c), and (d) to read as follows:

§ 1942.5 Application review and approval.

(a) *Procedures for review.* * * *

(i) Requirements listed in letters of conditions will ordinarily include: maximum amount of loan which may be considered, term of loan and any payment deferment, number of users (members) and verification required, contributions, rates and charges, interim financing, disbursement of funds, security requirements, organization, business operations, insurance and bonding (including applicant/borrower and contractor), construction contract documents and bidding, accounts, records, and audit reports required, adoption of Form FmHA 442-47, "Loan Resolution (Public Bodies)," for public bodies or Form FmHA 442-9, "Loan Resolution (Security Agreement)," for other than public bodies, closing instructions, and other requirements.

(ii) Each letter of conditions will contain the following paragraphs:

"This letter establishes conditions which must be understood and agreed to by you before further consideration may be given to the application. Any changes in project cost, source of funds, scope of services, or any other significant changes in the project or applicant must be reported to and approved by FmHA by written amendment to this letter. Any changes not approved by FmHA shall be cause for discontinuing processing of the application."

"This letter is not to be considered as loan approval or as representation to the availability of funds. The docket may be completed on the basis of a loan not to exceed ————. If FmHA makes the loan, the interest rate will be that charged by FmHA at the time a signed copy of Form FmHA 1940-1, "Request for Obligation of Funds," is mailed to you.

"Please complete and return the attached Form FmHA 442-46, "Letter of Intent to Meet Conditions," if you desire that further consideration be given your application."

* * * * *

(3) The Chief, Community Programs will review the assembled application and include on Form FmHA 442-43 or Form FmHA 1942-45 written analysis

and recommendations, including the availability of other credit and other eligibility determinations. The draft letter of conditions will be reviewed and any necessary modifications made.

(b) *Projects requiring National Office review.* * * *

(1) Applications to be forwarded to the National Office should be assembled in the following order from top to bottom by the District Director and forwarded to the State Director for review and recommendation prior to submission to the National Office.

* * * * *

(c) *For all applications.* All letters of conditions will be addressed to the applicant, signed by the District Director or other FmHA representative designated by the State Director, and delivered to the applicant. Upon signing the letter of conditions, the District Director will forward 2 copies of the letter of conditions and 2 copies of Form FmHA 442–43 or FmHA 1942–45 to the State Director. A copy of the letter of conditions and the appropriate project summary will be forwarded to the County Supervisor for information purposes. The State Director will immediately forward one copy of Form FmHA 442–43 or FmHA 1942–45 (including the required copy of Forms FmHA 442–7 and FmHA 442–14) and a copy of the letter of conditions tc the National Office, Attention: Water and Waste Disposal Division or Community Facilities Division, as appropriate. The District Director, with assistance as needed from the State Office, will discuss the requirements of the letter of conditions with the applicant's representatives and afford them an opportunity to execute Form FmHA 442–46.

* * * * *

(d) *Loan approval and obligating funds.* Loans will be approved in accordance with this Subpart and Subpart A of Part 1901 of this Chapter. The loan will be considered approved on the date the signed copy of Form FmHA 1940–1 is mailed to the applicant. State Directors may request an obligation of funds when they are available within their state allocation and according to the following:

(1) Form FmHA 1940–1, authorizing funds to be reserved, may be executed by the loan approval official providing the applicant has the legal authority to contract for a loan, and to enter into required agreements and has signed Form FmHA 1940–1.

(2) If approved was concurred in by the National Office, a copy of the concurring memorandum will be attached to the original of Form FmHA 1940–1.

(3) The State Director or designee will telephone the Finance Office Check Request Station requesting that loan and/or grant funds for a particular project be obligated. The requesting official will furnish the requesting office's security identification code. After the security code is furnished, all information contained on Form FmHA 1940–1 will be provided to the Finance Office. Upon receipt of the telephone request for obligation of funds, the Finance Office will record all information necessary to process the request for obligation in addition to the date and time of request. The requesting official will record the date, time of request, and their initials on the original Form FmHA 1940–1.

(4) Requests for obligation received by the Finance Office before 2:30 p.m. Central Time will be processed on the date of the request. For requests received after 2:30 p.m. Central Time, however, there may be instances in which a request will be processed on the next working day.

(5) Each working day the Finance Office will notify the State Office by telephone of all projects for which funds were reserved during the previous night's processing cycle. If funds cannot be reserved for a project, the Finance Office will notify the State Office by telephone of the reason. The obligation date and the date the applicant is notified of loan and/or grant approval will be 6 working days from the date funds are reserved in the Finance Office unless an exception is granted by the National Office. The Finance Office will mail Form FmHA 440–57, "Acknowledgement of Obligated Funds/Check Request," to the State Office confirming the reservation of funds with the obligation date.

(6) Immediately after notification by the Finance Office that the funds have been reserved, the original only of Form FmHA 442–14 will be mailed to the Finance Office and the State Director or designee will notify, by telephone, the Legislative Affairs and Public Information Staff in the National Office as required by FmHA Instruction 2015–C (available in any FmHA State Office).

(7) Loan approval and applicant notification will be accomplished by the State Director or designee, mailing to the applicant on the obligation date, a copy of Form FmHA 1940–1 which has been previously signed by the applicant and loan approval official. This is also the date the interest rate is established. The State Director or designee will record the date of applicant notification on the original of Form FmHA 1940–1 and include it as a permanent part of the District Office project file with a copy placed in the State Office file. The District Director will notify the County Supervisor that the applicant has been notified of approval.

4. In § 1942.9, the introductory text of paragraph (b) and paragraphs (b)(1), (b)(3), and (d) are revised to read as follows:

§ 1942.9 Planning, bidding, contracting, and constructing.

* * * * * *

(b) *Contract approval.* The State Director or designee is responsible for approval of all construction contracts using the legal advice and guidance of OGC as necessary. The use of negotiated procurement for construction contracts or contracting methods as provided in § 1942.18(k)(4) or § 1942.18(l) which exceed $100,000 must be concurred in by the National Office. When an applicant requests such concurence, the State Director will submit the following to the National Office.

(1) State Director's and FmHA engineer/architect's comments and recommendations, and when noncompetitive negotiation is proposed, submit an evaluation of previous work of the proposed construction firm.

* * * * *

(3) Copy of owner's written request and description of the procurement method proposed.

* * * * * *

(d) *Noncompliance.* State Directors, upon receipt of information indicating borrowers or their officers, employees, or agents are not performing in compliance with §1942.18(j)(1) of this Subpart, may request the Regional Office of the Inspector General to investigate the matter and provide a report of such investigation. The State Director will be responsible for taking appropriate action to resolve the issue.

* * * * *

(6) Section 1942.17 is amended by redesignating paragraph (e)(4) to (e)(5), paragraphs (n)(1) through (n)(5) to (n)(2) through (n)(6) and adding paragraphs (e)(4), (j)(9), (j)(10), (j)(11), (n)(1), and (p)(2)(iii), and revising paragraph (d), the introductory text of paragraphs (e)(1) and (f)(7), (h)(2)(ii), the introductory text of paragraph (j)(3), and paragraphs (j)(3)(i), (j)(3)(vi), (j)(4)(i), (j)(8), (k)(5), (k)(6) and (k)(7), the introductory text of paragraph (n)(2) and paragraphs (n)(2)(vii), (n)(2)(x), (p)(2)(ii), (p)(3)(ii), (p)(5), (p)(6), (q)(1), (r)(1)(ii)(A), (r)(3)(i) and (r)(3)(ii) to read as follows:

§ 1942.17 Appendix A—Community Facilities.

* * * * *

(d) *Eligible loan purposes.* (1) Funds may be used: (i) To construct, enlarge, extend, or otherwise improve water or waste disposal, and other essential community facilities providing essential service primarily to rural residents.

(A) "Water or waste disposal facilities" include water, sanitary sewerage, solid waste disposal, and storm waste water facilities.

(B) "Essential community facilities" are those public improvements requisite to the beneficial and orderly development of a community operated on a nonprofit basis including but not limited to:

(*1*) Fire and rescue services;

(*2*) Health services;

(*3*) Community, social, or cultural services;

(*4*) Transportation facilities, such as streets, roads, and bridges;

(*5*) Hydroelectric generating facilities and related connecting systems and appurtenances, when not eligible for Rural Electrification Administration financing;

(*6*) Supplemental and supporting structures for other rural electrification or telephone systems (including facilities such as headquarters and office buildings, storage facilities, and maintenance shops) when not eligible for Rural Electrification Administration financing; and

(*7*) Industrial part sites (but only to the extent of land acquisition and necessary site preparation, including access ways and utility extensions to and throughout the site).

(C) "Otherwise improve" includes but is not limited to the following;

(*1*) The purchase of major equipment, such as fire trucks, ambulances, solid waste collection trucks, and X-ray machines, which will in themselves provide an essential service to rural residents;

(*2*) The purchase of existing facilities when it is necessary either to improve or to prevent a loss of service;

(*3*) Payment of tap fees and other utility connection charges when determined necessary to prevent a loss of service, or to improve service, or to provide service.

(ii) To construct or relocate public buildings, roads, bridges, fences, or utilities, and to make other public improvements necessary to the successful operation or protection of facilities authorized in paragraph (d)(1)(i) of this section.

(iii) To relocate private buildings, roads, bridges, fences, or utilities, and to make other private improvements necessary to the successful operation or protection of facilities authorized in paragraph (d)(1)(i) of this section.

(iv) To pay the following expenses, but only when such expenses are a necessary part of a loan to finance facilities authorized in paragraph (d)(1)(i), (ii) and (iii) of this section:

(A) Reasonable fees and costs such as legal, engineering, architectural, fiscal advisory, recording, environmental impact analysis, archological surveys and possible salvage or other mitigation measures, planning, establishing or acquiring rights.

(B) Interest on loans until the facility is self-supporting, but not for more than three years unless a longer period is approved by the National Office; interest on loans secured by general obligation bonds until tax revenues are available for payment, but not for more than two years unless a longer period is approved by the National Office; and interest on interim financing, including interest charges on interim financing from sources other than FmHA.

(C) Costs of acquiring interest in land, rights such as water rights, leases, permits, rights-of-way, and other evidence of land or water control necessary for development of the facility.

(D) Purchasing or renting equipment necessary to install, maintain, extend, protect, operate, or utilize facilities.

(E) Initial operating expenses for a period ordinarily not exceeding one year when the borrower is unable to pay such expenses.

(F) Refinancing debts incurred by, or on behalf of, a community when all of the following conditions exist:

(*1*) The debts being refinanced are a secondary part of the total loan;

(*2*) The debts are incurred for the facility or service being financed or any part thereof; and

(*3*) Arrangements cannot be made with the creditors to extend or modify the terms of the debts so that a sound basis will exist for making a loan.

(G) Prepay costs for which FmHA grant funds were obligated provided there is:

(*1*) No conflict with the loan resolution, State Statutes, or any other loan requirements, and

(*2*) Full documentation showing that:

(*i*) Loan funds will only be utilized on a temporary basis, and

(*ii*) All FmHA loan funds are restored at a later date for purpose(s) for which they were obligated.

(v) To pay obligations for construction incurred before loan approval. Construction work should not be started and obligations for such work or materials should not be incurred before the loan is approved. However, if there are compelling reasons for proceeding with construction before loan approval, applicants may request FmHA approval to pay such obligations. Such requests may be approved if FmHA determines that:

(A) Compelling reasons for incurring obligations before loan approval;

(B) The obligations will be incurred for authorized loan purposes;

(C) Contract documents have been approved by FmHA;

(D) All environmental requirements applicable to FmHA and the applicant have been met; and

(E) The applicant has the legal authority to incur the obligations at the time proposed, and payments of the debts will remove any basis for any mechanic, material, or other liens that may attach to the security property. FmHA may authorize payment of such obligations at the time of loan closing. FmHA's authorization to pay such obligations, however, is on the condition that it is not committed to make the loan; it assumes no responsibility for any obligations incurred by the applicant; and the applicant must subsequently meet all loan approval requirements. The applicant's request and FmHA authorization for paying such obligations shall be in writing. If construction is started without FmHA approval, post approval in accordance with this section may be considered.

(2) Funds may not be used to finance:

(i) On-site utility systems or business and industrial buildings in connection with industrial parks.

(ii) Facilities to be used primarily for recreation purposes.

(iii) Community antenna television services or facilities.

(iv) Electric transmission systems or telephone systems, except as provided in paragraphs (d)(1)(i)(B) (*5*), (*6*) or (*7*) of this section; or extensions to serve a particular essential community facility as provided in paragraph (d)(1)(ii) or (d)(1)(iii) of this section.

(v) Facilities which are not modest in size, design, and cost.

(vi) Loan finder's fees.

(vii) Projects located within the Coastal Barriers Resource System that do not qualify for an exception as defined in Section 6 of the Coastal Barriers Resource Act, Pub. L. 97-348.

(e) *Facilities for public use.* * * *

(1) Utility-type service facilities will be installed so as to serve any user within the service area who desires service and can be feasibly and legally served. Applicants and borrowers must obtain written concurrence of the FmHA prior to refusing service to such user.

Upon failure to provide service which is reasonable and legal, such user shall have direct right of action against the applicant or borrower. A notice of the availability fo this service should be given by the applicant/borrower to all persons living within the area who can feasibly and legally be served by the phase of the project being financed.

* * * * *

(4) The State Director will determine that, when feasibly and legally possible, inequities within the proposed project's service area for the same type service proposed (i.e. water or waste disposal) will be remedied on or before completion of the project that includes FmHA funding. Inequities are defined as flagrant variations in availability, adequacy or quality of service. User rate schedule for portions of existing systems that were developed under different financing, rates, terms or conditions do not necessarily constitute inequities.

(f) * * *

* * * * * *

(7) *Repayment terms.* Loans will ordinarily be scheduled for repayment on terms similiar to those used in the State for financing such facilities but in no case shall they exceed the useful life of the facility or 40 years from the date of the note(s) or bond(s), whichever is less. Where FmHA grant funds are used in connection with an FmHA loan, the loan will be for the maximum terms permitted by this Subpart, State statute, or the useful life of the facility, whichever is less, unless there is an exceptional case where circumstances justify making an FmHA loan for less than the maximum term permitted. In such cases, the reasons must be fully documented. In all cases, including those in which the FmHA is jointly financing with another lender, the FmHA payments of principal and interest should approximate amortized installments.

* * * * *

(h) * * *

(2) * * *

(ii) In order to establish realistic user estimates, the following are required:

(A) Meaningful potential user cash contributions. Potential user cash contributions are required except for users presently receiving service, or where FmHA determines that the potential users as a whole in the applicant service areas cannot make cash contributions. The amount of the cash contribution will be set by the applicant and concurred in by FmHA. Contributions should be an amount high enough to indicate sincere interest on the part of the potential user, but not so high as to preclude service to low-income families. Contributions ordinarily should be an amount approximating one year's minimum use fees, and shall be paid in full before loan closing or commencement of construction, whichever occurs first. Once economic feasibility is ascertained based on a demonstration of meaningful potential user cash contributions, the contribution, membership fee or other fees that may be imposed are not a requirement of FmHA under this paragraph. However, borrowers do have an additional responsibility relating to generating sufficient revenues as set forth in paragraph (n)(2)(iii) of this section.

(B) Enforceable user agreement. Except for users presently receiving service, an enforceable user agreement with a penalty clause is required unless State statutes or local ordinances require mandatory use of the system and the applicant or legal entity having such authority agrees in writing to enforce such statutes or ordinances.

* * * * *

(j) *General requirements.* * * *

(3) *Insurance and bonding.* Property insurance, workers' compensation insurance, liability insurance, and fidelity bonds will be obtained by the time of loan closing or start of construction, whichever shall occur first. Ordinarily, FmHA should be listed as mortgagee on the property insurance policies when FmHA has a lien on the property. Insurance coverage should be monitored to determine that adequate policies and bonds are in force. A copy of the fidelity bond(s) should be filed in the borrower's case file. Other insurance policies are not required to be filed in the case file. However, the borrower must continue to maintain insurance in adequate amounts to protect the Government's interest for the life of the loan. Evidence of adequate insurance must be furnished by the borrower. Such requirements will not normally be over and above those proposed by the borrower provided the coverage is found to be adequate, and in accordance with the following:

(i) *Property insurance.* Fire and extended coverage may be required on all aboveground structures, including borrower-owned equipment and machinery housed therein, usually in the amount of their replacement value. This does not apply to water reserviors, standpipes, elevated tanks, and other noncombustible materials used in treatment plants, clearwells, clarification units, filters, and the like. Property insurance on subsurface lift stations is not required except for the value of the pumping equipment and electrical equipment therein.

* * * * *

(vi) *Fidelity bonds.* The borrower will provide fidelity bond coverage for the positions of persons entrusted with the receipt and disbursement of its funds and the custody of valuable property. The amount of the bond will be at least equal to the maximum amount of the money that the borrower will have on hand at any one time, exclusive of loan funds deposited in a supervised bank account. Unless prohibited by State law, the United States, acting through the Farmers Home Administration, will be named as co-obligee in the bond. Corporate fidelity bonds will be obtained except that in unusual circumstances FmHA may give prior approval to cash bonds. Form FmHA 440–24, "Position Fidelity Schedule Bond," may be used. A certified and effective dated power-of-attorney will be attached to each bond.

(4) * * *

(i) *Title for land, rights-of-way, easements, or existing facilities.*

The applicant must certify and provide a legal opinion relative to the title to rights-of-way and easements. Form FmHA 442–21, "Rights-of-way Certificate," and Form FmHA 442–22, "Opinion of Counsel Relative to Rights-of-way," may be used.

(A) *Rights-of-way and easements.* Applicants are responsible for and will obtain valid, continuous and adequate rights-of-way and easements needed for the construction, operation, and maintenance of the facility. Form FmHA 442–20, "Right-of-way Easement," may be used. When a site is for major structures for utility-type facilities such as a reservoir or pumping station and the applicant is able to obtain only a right-of-way or easement on such a site rather than a fee simple title, the applicant will furnish a title report thereon by the applicant's attorney showing ownership of the land and all mortgages or other lien defects, restrictions, or encumbrances, if any. It is the responsibility of the applicant to obtain and record such releases, consents or subordinations to such property rights from holders of outstanding liens or other instruments as may be necessary for the construction, operation, and maintenance of the facility and to give FmHA the required security.

(B) *Title for land or existing facilities.* Title to land essential to the successful operation of facilities or title to facilities being purchased, must not contain any restrictions that will adversely affect the suitability, successful operation, security

value, or transferability of the facility. Title opinions must be provided by the applicant's attorney. The opinions must be in sufficient detail to assess marketability of the property. Form FmHA 427-9, "Preliminary Title Opinion" and Form FmHA 427-10, "Final Title Opinion," may be used to provide the required title opinions. If other forms are used they must be reviewed and approved by FmHA and OGC.

(*1*) In lieu of receiving title opinions from the applicant's attorney, the applicant may use a title insurance company. If a title insurance company is used, the company must provide FmHA a title insurance binder, disclosing all title defects or restrictions, and include a commitment to issue a title insurance policy. The policy should be in an amount at least equal to the market value of the property as improved. The title insurance binder and commitment must be provided to FmHA prior to requesting closing instructions. FmHA will be provided a title insurance policy which will insure FmHA's interest in the property without any title defects or restrictions which have not been waived by FmHA.

(*2*) The loan approval official may waive title defects or restrictions, such as utility easements, that do not adversely affect the suitability, successful operation, security value, or transferability of the facility. If the District Director is the loan approval official and is unable to waive the defect or restriction, the title opinion or title insurance binder will be forwarded to the State Director. If the State Director, with the advice of the OGC, determines that the defect or restriction cannot be waived, the defect or restriction must be removed.

* * * * *

(8) *Health care facilities.* The applicant will be responsible for obtaining the following documents:

(i) A statement from the appropriate State agency certifying that the proposed health care facility is not inconsistent with the State Medical Facilities Plan.

(ii) A statement from the appropriate State agency or regional office of the Department of Health and Human Services certifying that the proposed facility meets the standards as set forth in § 1942.18(d)(4).

(9) *Public information.* Applicants should inform the general public regarding the development of any proposed project. Any applicant not required to obtain authorization by vote of its membership or by public referendum, to incur the obligations of the proposed loan or grant, will hold at least one public information meeting. The public meeting must be held after the preapplication is filed and not later than loan approval. The meeting must give the citizenry an opportunity to become acquainted with the proposed project and to comment on such items as economic and environmental impacts, service area, alternatives to the project, or any other issue identified by FmHA. The applicant will be required, at least 10 days prior to the meeting, to publish a notice of the meeting in a newspaper of general circulation in the service area, to post a public notice at the applicant's prinicpal office, and to notify FmHA. The applicant will provide FmHA a copy of the published notice and minutes of the public meeting.

(10) *Service through individual installation.* Community owned water or waste disposal systems may provide service through individual installations or small clusters of users within the applicant's service area. When individual installations or small clusters are proposed, the loan approval official should consider items such as: quantity and quality of the individual installations that may be developed; cost effectiveness of the individual facility compared with the initial and long term user cost on a central system; health and pollution problems attributable to individual facilities; operational or management problems peculiar to individual installations; and permit and regulatory agency requirements.

(i) Applicants providing service through individual facilities must meet the eligibility requirements outlined in § 1942.17(b).

(ii) FmHA must approve agreements between the owner and individual users for the installation, operation and payment for individual facilities.

(iii) If taxes or assessments are not pledged as security, owners providing service through individual facilities will obtain such security as necessary to assure collection of any sum the individual user is obligated to pay the owner.

(iv) Notes representing indebtedness owed the owner by a user for an individual facility will be scheduled for payment over a period not to exceed the useful life of the individual facility or the loan, whichever is the shorter. The interest rate will not exceed the interest rate charged the owner on the FmHA indebtedness.

(v) Owners providing service through individual or cluster facilites must obtain:

(A) Easements for the installation and ingress to and egress from the facility.

(B) An adequate method for denying service in the event of nonpayment of user fees.

(11) *Funds from other sources.* FmHA loan funds may be used along or in connection with funds provided by the applicant or from other sources. Since "matching funds" is not a requirement for FmHA loans, shared revenues may be used with FmHA funds for project construction.

(k) *Other Federal, State, and local requirements.* * * *

(5) *Civil Rights Act of 1964.* All borrowers are subject to, and facilities must be operated in accordance with, Title VI of the Civil Rights Act of 1964 and Subpart E of Part 1901 of this Chapter, particularly as it relates to conducting and reporting of compliance reviews. Instruments of conveyance for loans and/or grants subject to the Act must contain the covenant required by Section 1901.202(e) of Subpart E of Part 1901 of this Chapter.

(6) *Title IX of the Education Amendments of 1972.* No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or education activity receiving FmHA financial assistance except as otherwise provided for in the Education Amendments of Title IX. The FmHA State Director will provide guidance and technical assistance to carry out the intent of this paragraph.

(7) *Section 504 of the Rehabilitation Act of 1973.* In accordance with Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), no handicapped individual in the United State shall, solely by reason of their handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving FmHA financial assistance.

* * * * *

(n) *Actions prior to loan closing and start of construction.* (1) *Excess FmHA loan and grant funds.* Prior to loan closing or start of construction, whichever occurs first, the funding needs of the applicant will be reassessed by the FmHA loan and/or grant approval official. If there is a significant change in project cost, all applicable FmHA forms, the letter of conditions, and other items will be revised. Any change in the FmHA grant will be based on the revised project cost and recalculated according to § 1942.356 of Subpart H of Part 1942 of this Chapter. Obligated loan and grant funds not needed to complete the proposed

project, or for which the applicant is no longer eligible, will be deobligated.

(2) *Loan resolutions.* Loan resolutions will be adopted by both public and other-than-public bodies using Form FmHA 442–47, "Loan Resolution (Public Bodies)," or Form FmHA 442–9, "Loan Resolution (Security Agreement)," respectively. These resolutions will supplement provisions included elsewhere in this Subpart. The applicant will agree:

* * * * *

(vii) To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain FmHA's concurrence prior to refusing new or adequate services to such persons. Upon failure of the applicant to provide services which are feasible and legal, such person shall have a direct right of action against the applicant organization.

* * * * *

(x) To provide for, execute, and comply with Form FmHA 400–4, "Assurance Agreement," and Form FmHA 400–1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which is to be incorporated in or attached as a rider to each construction contract and subcontract in excess of $10,000.

* * * * *

(p) *Project monitoring and fund delivery during construction.*

* * * * *

(2) * * *

(ii) Advances will be requested in sufficient amounts to pay cost of construction, rights-of-way and land, legal, engineering, interest, and other expenses as needed. The applicant will prepare Form FmHA 440–11, "Estimate of Funds Needed For 30 Day Period Commencing ———," to show the amount of funds needed during the 30-day period.

(iii) FmHA loan funds obligated for a specific purpose, such as the paying of interest, but not needed at the time of loan closing will remain in the Finance Office until needed unless State statutes require all funds to be delivered to the borrower at the time of closing. Loan funds may be advanced to prepay costs as provided in paragraph (d)(1)(iv) of this Subpart. If all funds must be delivered to the borrower at the time of closing to comply with State statutes, funds not needed at loan closing will be handled as follows:

(A) Deposited in an appropriate borrower account, such as the debt service account, or

(B) Deposited in a supervised bank account in accordance with paragraph (p)(3)(i) of this section.

(3) *Use and accountability of funds.* * * *

(ii) *Other than supervised bank account.* If a supervised bank account is not used, arrangements will be agreed upon for the prior concurrence by FmHA of the bills or vouchers upon which warrants will be drawn, so that the payments from loan funds can be controlled and FmHA records are current. If a supervised bank account is not used, use Form FmHA 402–2, "Statement of Deposits and Withdrawals," or similar form to monitor funds. Periodic reviews of nonsupervised accounts shall be made by FmHA at the times and in the manner as FmHA prescribes in the conditions of loan approval. State laws regulating the depositories to be used shall be complied with.

* * * * *

(5) *Payment for construction.* Each payment for project cost must be approved by the borrower's governing body. Payment for construction will be made in accordance with amounts shown on appropriate payment estimate forms. Form FmHA 424–18, "Partial Payment Estimate," may be used for this purpose or other similar forms may be used with the prior approval of the State Director or designee. Advances for contract retainage will not be made until such retainage is due and payable under the terms of the contract. The review and acceptance of project cost, including construction partial payment estimates by FmHA, does not attest to the correctness of the amounts, the quantities shown, or that the work has been performed in accordance with the terms of agreements or contracts.

(6) *Use of remaining funds.* Funds remaining after all costs incident to the basic project have been paid or provided for will not include applicant contributions. Applicant contributions will be considered as funds initially expended for the project. Funds remaining, with exception of applicant contributions, may be considered in direct proportion to the amounts obtained from each source. Remaining funds will be handled as follows:

(i) *FmHA loan and/or grant funds.* Remaining funds may be used for purposes authorized by paragraph (d) of this section and § 1942.354 of Subpart H of Part 1942 of this Chapter, provided the use will not result in major changes to the facility design or project and that the purpose of the loan and/or grant remains the same.

(A) On projects that only involve an FmHA Loan and no FmHA grant, funds that are not needed will be applied as an extra payment on the FmHA indebtedness unless other disposition is required by the bond ordinance, resolution, or State statute.

(B) On projects that involve an FmHA grant, all remaining FmHA funds will be considered to be grant funds up to the full amount of the grant. Grant funds not expended in accordance with paragraph (p)(6)(i) of this section will be deobligated.

(ii) *Funds from other sources.* Funds remaining from other sources will be handled according to rules, regulations and/or the agreement governing their participation in the project.

(q) *Borrower accounting methods, management reporting and audits.* (1) *Accounting methods and records.* (i) *Method of accounting and financial statements.* Financial statements must be prepared on the accrual basis of accounting unless State Statutes or regulatory agencies provide otherwise, or an exception is made by FmHA. This requirement is for accrual basis financial statements and not for accrual basis accounting systems. Organizations may keep their books on an accounting basis other than accrual and then make adjustments so that the financial statements are presented on the accrual basis.

(ii) *Approval requirement.* Before loan closing or commencement of construction, whichever is first, each borrower shall provide to, and obtain approval from the FmHA loan approval official for its accounting and financial reporting system, including the agreement with its auditor, if an auditor is required.

(iii) *Records.* Form FmHA 1930–5, "Bookkeeping System—Small Borrower," may be used by small organizations as a method of recording and maintaining accounting transactions.

(iv) *Record retention.* Each borrower shall retain all records, books, and supporting material for 3 years after the issuance of the audit reports and financial statements. Upon request, this material will be made available to FmHA, the Comptroller General, or to their representatives.

* * * * *

(r) *FmHA actions for borrower supervision and servicing.* (1) * * * (ii) *District Director reviews of borrower operations.*

(A) A review of the borrower's total operational and management practices, including records and accounts to be maintained, will be made between the beginning of the ninth and the end of the eleventh full month of the first year of operation. A report will be made to the State Director by sending a copy of

Form FmHA 442–4, "District Director Report." Earlier reviews will be made when needed to resolve operational and management problems that may arise.

* * * * *

(3) * * *

(i) *Post construction inspection.* The District Director will inspect each facility between the beginning of the ninth and the end of the eleventh full month of the first year of operation. This will normally coincide with the District Director's review of the borrower's total operational and management practices described in paragraph (r)(1)(ii)(A) of this section. The results of this inspection will be reported to the State Director on Form FmHA 424–12. Earlier inspections will be made when operational or other problems indicate a need. The State Director will provide guidance to the District Director to assure that action will be taken to correct project deficiencies.

(ii) *Subsequent inspections.* The District Director will make subsequent inspections of borrower security property and facilities during each third year after the post construction inspection. The results of this inspection will be reported to the State Director on Form FmHA 424–12.

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7. Section 1942.18 is revised to read as follows:

§ 1942.18 Appendix B—Community Facilities—Planning, bidding, contracting, constructing.

(a) *General.* This Appendix includes information and procedures specifically designed for use by owners including the professional or technical consultants and/or agents who provide such assistance and services as architectural, engineering, inspection, financial, legal or other services related to planning, bidding, contracting, and constructing community facilities. These procedures do not relieve the owner of the contractual obligations that arise from the procurement of these services. For this Appendix an owner is defined as an applicant, borrower or grantee.

(b) *Technical services.* Owners are responsible for providing the engineering or architectural services necessary for planning, designing, bidding, contracting, inspecting, and constructing their facilities. Such services may be provided by the owner's "in house" engineer or architect or through contract, subject to FmHA concurrence. Architects and engineers performing architectural and engineering services must possess the appropriate professional license in the State where the facility is to be constructed.

(c) *Preliminary reports.* Preliminary architectural and engineering reports must conform with customary professional standards. Preliminary report guidelines for water, sanitary sewer, solid waste, storm sewer, and other essential community facilities are available from FmHA.

(d) *Design policies.* The design of FmHA financed facilities should be in accordance with sound architectural and engineering practices.

(1) *Natural resources.* Facility planning should be responsive to the owner's needs and should consider the long-term economic, social and environmental needs as set forth in this section. FmHA's land use considerations are set forth in the U.S.D.A. Departmental Regulation Number 9500–3.

(i) *Floodplains and wetlands.* Facilities must avoid, to the extent possible, the long and short-term adverse impacts associated with the occupancy and modification of floodplains and wetlands, and avoid direct or indirect support of floodplain and wetland development whenever there is a practicable alternative. This subject is more fully discussed in Executive Order 11988, Executive Order 11990, and Water Resources Council's Floodplain Management Guidelines (43 FR 6030) which is available in all FmHA offices. Facilities located in special flood and mudslide prone areas must comply with FmHA's eligibility and insurance requirements in Subpart B of Part 1806 of this Chapter (FmHA Instruction 426.2).

(ii) *Coastal Zone Management.* Facilities shall be designed and constructed in a manner which is consistent with approved State management programs, as set forth in the Coastal Zone Management Act of 1972 (Pub. L. 92–583 Section 307(c) (1) and (2)) as supplemented by the Department of Commerce regulations 15 CFR Part 930.

(iii) *Wild and Scenic Rivers.* Facilities shall be designed and constructed in order that designated wild and scenic rivers be preserved in free-flowing condition and that they and their immediate environments be protected for the benefit and enjoyment of present and future generations as set forth in the Wild and Scenic Rivers Act of 1978 (Pub. L. 95–625).

(iv) *Endangered species.* Facilities shall be designed and constructed in a manner which will conserve, to the extent practicable, the various endangered and threatened species of fish or wildlife and plants, and will not jeopardize their continued existence and will not result in destruction or modifications of habitat of such species as set forth in the Endangered Species Act of 1973 (Pub. L. 93–205).

(2) *Historic preservation.* Facilities should be designed and constructed in a manner which will contribute to the preservation and enhancement of sites, structures, and objects of historical, architectural, and archaeological significance. All facilities must comply with the National Historic Preservation Act of 1966 (16 U.S.C. 470) as supplemented by 36 CFR Part 800 and Executive Order 11593, Protection and Enhancement of the Cultural Environment. Subpart F of Part 1901 of this Chapter sets forth procedures for the protection of Historic and Archaeological Properties.

(3) *Architectural barriers.* All facilities intended for or accessible to the public or in which physically handicapped persons may be employed or reside must be developed in compliance with the Architectural Barriers Act of 1968 (Pub L. 90–480) as implemented by the General Services Administration regulations 41 CFR 101–19.6 and Section 504 of the Rehabilitation Act of 1973 (Pub. L. 93–112) as implemented by 7 CFR Parts 15 and 15b.

(4) *Health care facilities.* The proposed facility must meet the minimum standards for design and construction contained in the Public Health Service/Health Resources Administration (FHS/HRA), Health and Human Services Publication (No. HRA 79–14500), "Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities." The facility must also meet the life/safety aspects of the 1981 edition of the National Fire Protection Association (NFPA) 101 Life Safety Code, or any subsequent codes that may be designated by the Secretary of HHS. In accordance with § 1942.17(j)(8)(ii) of this Subpart, a statement by the appropriate regulatory agency that the facility meets the above standards will be required. Any exceptions must have prior National Office concurrence.

(5) *Energy conservation.* Facility design should consider cost effective energy saving measures of devices.

(6) *Lead base paints.* Lead base paints shall not be used in facilities designed for human habitation. Owners must comply with the Lead Base Paints Poisoning and Prevention Act of 1971 (42 U.S.C. 4801) and the National Consumer Health Information and Health Promotion Act of 1976 (Pub. L. 94–317). with reference to paint specifications used according to Exhibit H of Subpart A of Part 1924 of this Chapter.

(7) *Fire protection.* Water facilities must have sufficient capacity to provide reasonable fire protection to the extent practicable.

(8) *Growth capacity.* Facilities must have sufficient capacity to provide for reasonable growth to the extent practicable.

(9) *Water conservation.* Owners are encouraged, when economically feasible, to incorporate water conservation practices into a facility's design. For existing water systems evidence must be provided showing that the distribution system water losses do not exceed reasonable levels.

(10) *Water quality.* All water facilities must meet the requirements of the Safe Drinking Water Act (Pub. L. 93–523) and provide water of a quality that meets the current Interim Primary Drinking Water Regulations (40 CFR Part 141).

(11) *Combined sewers.* New combined sanitary and storm water sewer facilities will not be financed by FmHA. Extensions to existing combined systems can only be financed when separate systems are impractical.

(12) *Compliance.* All facilities must meet the requirements of Federal, State, and local agencies having the appropriate jurisdiction.

(13) *Dam safety.* Projects involving:

(i) any artificial barrier which impounds or diverts water, or

(ii) the rehabilitation or improvement of such barrier should comply with the provisions for dam safety as discussed in the Federal Guidelines for Dam Safety (Government Printing Office stock No. 041–001–00187–5) as prepared by the Federal Coordinating Council for Science, Engineering and Technology.

(14) *Pipe.* All pipe used shall meet current American Society for Testing Materials (ASTM) or American Water Works Association (AWWA) standards.

(15) *Water system testing.* For new water systems or extensions to existing water systems, leakage shall not exceed 10 gallons per inch of pipe diameter per mile of pipe per 24 hours when tested at 1½ times the working pressure.

(16) *Metering devices.* Water facilities financed by FmHA will have metering devices for each connection. An exception to this requirement may be granted by the FmHA State Director when the owner demonstrates that installation of metering devices would be a significant economic detriment and that environmental consideration would not be adversely affected by not installing such devices.

(e) *Construction contracts.* Contract documents must be sufficiently descriptive and legally binding in order to accomplish the work as economically and expeditiously as possible.

(1) *Standard construction contract documents are available from FmHA.* When FmHA's standard construction contract documents are used, it will normally not be necessary for the Office of General Counsel (OGC) to perform a detailed legal review. If the construction contract documents utilized are not in the format of guide forms previously approved by FmHA, OGC's review of the construction contract documents will be obtained prior to their use.

(2) *Contract review and approval.* The owner's attorney will review the executed contract documents, including performance and payment bonds, and will certify that they are adequate, and have been properly executed, and that the persons executing these documents have been properly authorized to do so. The contract documents, bid bonds, and bid tabulation sheets will be forwarded to FmHA for approval prior to awarding. All contracts will contain a provision that they are not in full force and effect until they have been approved by FmHA. The FmHA State Director or designee is responsible for approving construction contracts with the legal advice and guidance of the OGC when necessary.

(3) *Separate contracts.* Arrangements which split responsibility of contractors (separate contracts for labor and material, extensive subcontracting and multiplicity of small contractors on the same job), should be avoided whenever it is practical to do so. Contracts may be awarded to suppliers or manufacturers for furnishing and installing certain items which have been designed by the manufacturer and delivered to the job site in a finished or semifinished state such as prefabricated buildings and lift stations. Contracts may also be awarded for material delivered to the job site and installed by a patented process or method.

(f) *Utility purchase contracts.* Applicants proposing to purchase water or other utility service from private or public sources shall have written contracts for supply or service which are reviewed and approved by FmHA state Director or designee. To the extent practical, FmHA review and approval of such contracts should take place prior to their execution by the applicant. Form FmHA 442–30, "Water Purchase Contract," may be used when appropriate. If the FmHA loan will be repaid from system revenues, the contract will be pledged to FmHA as part of the security for the loan. Such contracts will:

(1) Include a commitment by the supplier to furnish at a specified point, an adequate quantity of water or other service and provide that, in case of shortages, all of the suppliers' users will share shortgages, proportionately. If it is impossible to obtain a firm commitment for either an adequate quantity or sharing shortages proportionately, a contract may be executed and approved provided:

(i) Adequate evidence is furnished to enable FmHA to make a determination that the supplier has adequate supply and/or treatment facilities to furnish its other users and the applicant for the foreseeable future; and

(ii) The supplier is subject to regulations of the Federal Energy Regulatory Commission or other Federal or State agency whose jurisdiction can be expected to prevent unwarranted curtailment of supply; or,

(iii) A suitable alternative supply could be arranged within the repayment ability of the borrower, prior approval must be obtained from the National Office. The following information should be submitted to the National Office:

(A) Transmittal memorandum including:

(*1*) Alternative supplies considered,

(*2*) Recommendations and comments, and

(*3*) Any other necessary supporting information.

(B) Copies of the following:

(*1*) Proposed letter of conditions,

(*2*) Form FmHA 442–7, "Operating Budget,"

(*3*) Form FmHA 442–3, "Balance Sheet,"

(*4*) Preliminary Engineering Report, and

(*5*) Proposed Contract,

(C) Applicant and FmHA engineer's comments and recommendations.

(D) Documentation and statement from the supplier that it has an adequate supply and treatment facilities available to meet the needs of its users and the applicant for the foreseeable future.

(2) Set out the ownership and maintenance responsibilities of the respective parties including the master meter if a meter is installed at the point of delivery.

(3) Specify the initial rates and provide some kind of escalator clause which will permit rates for the association to be raised or lowered proportionately as certain specified rates for the supplier's regular customers are raised or lowered. Provisions may be made for altering rates in accordance with the decisions of the appropriate State agency which may have regulatory authority.

(4) Run for a period of time which is at least equal to the repayment period of the loan. State Directors may approve contracts for shorter periods of time if

the supplier cannot legally contract for such period, or if the applicant and supplier find it impossible or impractical to negotiate a contract for the maximum period permissible under State law, provided:

(i) The supplier is subject to regulations of the Federal Energy Regulatory Commission or other Federal or State agency whose jurisdiction can be expected to prevent unwarranted curtailment of supply; or

(ii) The contract contains adequate provisions for renewal; or

(iii) A determination is made that in the event the contract is terminated, there are or will be other adequate sources available to the applicant that can feasibly be developed or purchased.

(5) Set out in detail the amount of connection or demand charges, if any, to be made by the supplier as a condition to making the service available to the association. However, the payment of such charges from loan funds shall not be approved unless FmHA determines that it is more feasible and economical for the borrower to pay such a connection charge than it is for the borrower to provide the necessary supply by other means.

(6) Provide for a pledge of the contract to FmHA as part of the security for the loan.

(7) Not contain provisions for:

(i) Construction of facilities which will be owned by the supplier. This does not preclude the use of money paid as a connection charge for construction to be done by the supplier.

(ii) Options for the future sale or transfer. This does not preclude an agreement recognizing that the supplier and borrower may at some future date agree to a sale of all or a portion of the facility.

(g) *Sewage treatment contracts.* Owners preparing to enter into a contract with private or public sources to treat sewage shall have written contracts for such service and all such contracts are subject to FmHA concurrence. Paragraph (f) of this section may be used as a guide to prepare sewage treatment contracts.

(h) *Performing construction.* Normally owners will accomplish construction through contracts with others. However, if an owner has the necessasry skills, abilities and resources, it may accomplish construction by using its own personnel and equipment, provided a licensed engineer or architect, as appropriate, is responsible for the inspection of the construction and furnishes inspection reports as required by paragraph (o) of this section. For other than utility type facilities, inspection services may be provided by individuals as approved by the FmHA State Director. In either case, the requirements of paragraph (j) of this section will apply. Payments for construction will be handled in accordance with § 1942.17(p)(5).

(i) *Owner's contractual responsibility.* This Subpart does not relieve the owner of any contractual responsibilities under its contract. The owner is responsible for the settlement of all contractual and administrative issues arising out of procurements entered into in support of a loan or grant. These include, but are not limited to: Source evaluation, protests, disputes, and claims. Matters concerning violation of laws are to be referred to such local, State, or Federal authority as may have jurisdiction.

(j) *Owner's procurement regulations.* Owner's procurement regulations, must reflect applicable State and local laws, rules and regulations, and adhere to the standards in this paragraph.

(l) *Code of conduct.* Owners shall maintain a written code or standards of conduct which shall govern the performance of their officers, employes or agents engaged in the award and administration of contracts supported by FmHA funds. No employee, officer or agent of the owner shall participate in the selection, award, or administration of a contract supported by FmHA funds if a conflict of interest, real or apparent, would be involved. Examples of such conflicts would arise when: The employee, officer or agent; any member of their immediate family; their partner; or an organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for the award.

(i) The owner's officers, employees or agents shall neither solicit nor accept gratuities, favors or any thing of monetary value from contractors, potential contractors, or parties to subagreements.

(ii) To the extent permitted by State or local law or regulations, the standards of conduct shall provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the owner's officer, employees, agents, or by contractors or their agents.

(2) *Maximum open and free competition.* All procurement transactions, regardless of whether by sealed bids or by negotiation and without regard to dollar value, shall be conducted in a manner that provides maximum open and free competition. Procurement procedures shall not restrict or eliminate competition. Examples of what are considered to be restrictive of competition include but are not limited to: Placing unreasonable requirements on firms in order for them to qualify to do business; noncompetitive practices between firms; organizational conflicts of interest; and unnecessary experience and bonding requirements. In specifying materials, the owner and its consultant will consider all materials normally suitable for the project commensurate with sound engineering practices and project requirements. Acceptable materials should be specified in accordance with paragraphs (j)(4) (i) and (ii) of this section to assure proper installation and to avoid uncertainty and misunderstanding. Where materials which would normally be suitable are not included for bidding, the owner and its consultant must be prepared to justify the selection of the materials specified.

(3) *Owner's review.* Proposed procurement actions shall be reviewed by the owner's officials to avoid the purchase of unnecessary or duplicate items. Consideration should be given to consolidation or separation of procurement items to obtain a more economical purchase. Where appropriate, an analysis shall be made of lease versus purchase alternatives, and any other appropriate analysis to determine which approach would be the most economical. To foster greater economy and efficiency, owners are encouraged to enter into State and local intergovernmental agreements for procurement or use of common goods and services.

(4) *Solicitation of offers,* whether by competitive sealed bids or competitive negotiation, shall:

(i) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. The description shall not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured, and when necessary, shall set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equal" description may be used to define the performance or other salient requirements of a procurement. The specific features of the named brands which must be met by offerors shall be clearly stated.

(ii) Clearly set forth all requirements which offerors must fulfill and all other factors to be used in evaluating bids or proposals.

(5) *Small, Minority, and Women's Businesses and Labor Surplus Area Firms.* (i) Affirmative steps should be taken to assure that small and minority businesses are utilized when possible as sources of supplies, equipment, construction and services. Affirmative steps shall include the following:

(A) Include qualified small and minority businesses on solicitation lists.

(B) Assure that small and minority businesses are solicited whenever they are potential sources.

(C) When economically feasible, divide total requirements into smaller tasks or quantities so as to permit maximum small and minority business participation.

(D) Where the requirement permits, establish delivery schedules which will encourage participation by small and minority businesses.

(E) Use the services and assistance of the Small Business Administration and the Office of Minority Business Enterprise of the Department of Commerce, as appropriate.

(F) If any subcontracts are to be let, require the prime contractor to take the affirmative steps in (A) through (E) of this paragraph.

(ii) Owners shall take similar appropriate affirmative action in support of women's businesses.

(iii) Owners are encouraged to procure goods and services from labor surplus areas.

(iv) Owners shall submit a written statement to FmHA or other evidence of the steps taken to comply with paragraph (i)(5) of this section.

(6) *Contract pricing.* Cost plus a percentage of cost and percentage of construction cost methods of contracting shall not be used. Owners shall perform some form of cost or price analysis in connection with every procurement action including contract modification.

(7) *Unacceptable bidders.* The following will not be allowed to bid on, or negotiate for, a contract or subcontract related to the construction of the project:

(i) An engineer or architect as an individual or firm who has prepared plans and specifications or who will be responsible for monitoring the construction;

(ii) Any firm or corporation in which its architect or engineer is an officer, employee, or holds or controls a substantial interest;

(iii) The governing body's officers, employees, or agents;

(iv) Any member of the immediate family or partners in paragraphs (j)(7)(i), (ii) or (iii) of this section; or

(v) An organization which employs, or is about to employ, any person in paragraph (j)(7) (i), (ii), (iii) or (iv) of this section.

(8) *Contract award.* Contracts shall be made only with responsible parties possessing the potential ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as integrity, record of past performance, financial and technical resources, and accessibility to other necessary resources.

(k) *Procurement methods.* Procurement shall be made by one of the following methods: Small purchase procedures; competitive sealed bids (formal advertising); competitive negotiation; or noncompetitive negotiation. Competitive sealed bids (formal advertising) is the preferred procurement method.

(1) *Small purchase procedures.* Small purchase procedures are those relatively simple and informal procurement methods that are sound and appropriate for a procurement of services, supplies or other property, costing in the aggregate not more than $10,000. If small purchase procedures are used for a procurement, written price or rate quotations shall be obtained from an adequate number of qualified sources.

(2) *Competitive sealed bids.* In competitive sealed bids (formal advertising), sealed bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is lowest, price and other factors considered. When using this method the following shall apply:

(i) At sufficient time prior to the date set for opening of bids, bids shall be solicited from an adequate number of qualified sources. In addition, the invitiation shall be publicly advertised.

(ii) The invitation for bids, including specifications and pertinent attachments, shall clearly define the items or services needed in order for the bidders to properly respond to the invitation.

(iii) All bids shall be opened publicly at the time and place stated in the invitation for bids.

(iv) A firm-fixed-price contract award shall be made by written notice to that responsible bidder whose bid, conforming to the invitation for bids, is lowest. Where specified in the bidding documents factors such as discounts and transportation costs shall be considered in determining which bid is lowest.

(v) Any or all bids may be rejected when it is in the best interest of the owner.

(3) *Competitive negotiation.* In competitive negotiations, proposals are requested from a number of sources and the Request for Proposal is publicized. Negotiations are normally conducted with more than one of the sources submitting offers. Competitive negotiation may be used if conditions are not appropriate for the use of formal advertising and where discussions and bargaining with a view to reaching agreement on the technical quality, price, other terms of the proposed contract and specifications may be necessary. If competitive negotiation is used for a procurement, the following requirements shall apply:

(i) Proposals shall be solicited from an adequate number of qualified sources to permit reasonable competition consistent with the nature and requirements of the procurement. The Request for Proposal shall be publicized and reasonable requests by other sources to compete shall be honored to the maximum extent practicable.

(ii) The Request for Proposal shall identify all significant evaluation factors, including price or cost where required, and their relative importance.

(iii) The owner shall provide mechanisms for technical evaluation of the proposals received, determination of responsible offerors for the purpose of written or oral discussions, and selection for contract award.

(iv) Award may be made to the responsible offeror whose proposal will be most advantageous to the owner, price and other factors considered. Unsuccessful offerors should be promptly notified.

(v) Owners may utilize competitive negotiation procedures for procurement of Architectural/Engineering and other professional services, whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiations of fair and reasonable compensation.

(4) *Noncompetitive negotiation.* Noncompetitive negotiation is procurement through solicitation of a proposal from only one source, or after solicitation of a number of sources competition is determined inadequate. Noncompetitive negotiation may be used when the award of a contract is not feasible under small purchase, competitive bidding (formal advertising) or competitive negotiation procedures. Circumstances under which a contract

may be awarded by noncompetitive negotiations are limited to the following:

(i) The item is available only from a single source; or

(ii) There exists a public exigency or emergency and the urgency for the requirement will not permit a delay incident to competitive solicitation; or

(iii) After solicitation of a number of sources, competition is determined inadequate, or

(iv) The procurement of Architectural/Engineering and other professional services.

(5) *Additional procurement methods.* Additional innovative procurement methods may be used by the owners with prior written approval of the FmHA National Office.

(l) *Contracting methods.* The services of the consulting engineer or architect and the general construction contractor shall normally be procured from unrelated sources. Procurement methods which combine or rearrange design, inspection or construction services (such as design/build or construction management) may be used with FmHA's written approval. In such cases, the owner should request FmHA's approval by providing at least the following information to FmHA:

(1) The owner's written request to utilize an unconventional contracting method with a description of the method proposed.

(2) A proposed scope of work describing in clear, concise terms the technical requirements for contract. It should include items such as:

(i) A nontechnical statement summarizing the work to be performed by the contractor and the results expected.

(ii) The sequence in which the work is to be performed and a proposed construction schedule.

(3) A proposed firm fixed price contract for the entire project which provides that the contractor shall be responsible for:

(i) Any extra cost which may result from errors or omissions in the sevices provided under the contract.

(ii) Compliance with all Federal, State, and local requirements effective on the contract execution date.

(4) Where noncompetitive negotiation is proposed, an evaluation of the contractor' performance for previous similar projects in which the contractor acted in a similar capacity.

(5) A detailed listing and cost estimate of equipment and supplies not included in the construction contract but which are necessary to properly operate the facility.

(6) Evidence that a qualified construction inspector who is independent of the contractor has or will be hired.

(7) Preliminary plans and outline specifications.

(8) The owner's attorney's opinion and comments regarding the legal adequacy of the proposed contract documents and evidence that the owner has the legal authority to enter into and fulfill the contract.

(m) *Contracts awarded prior to preapplications.* Owners awarding construction or other procurement contracts prior to filing a preapplication with FmHA must comply with the following:

(1) *Evidence.* Provide conclusive evidence that the contract was entered into without intent to circumvent the requirements of FmHA regulations. The evidence will consist of at least the following:

(i) The lapse of a reasonable period of time between the date of contract award and the date of filing the preapplication which clearly indicates an irreconcilable failure of previous financial arrangements; or

(ii) A written statement explaining initial plans for financing the project and reasons for failure to obtain the planned credit.

(2) *Modifications.* Modify the outstanding contract to conform with the provisions of this Subpart. Where this is not possible, modifications will be made to the extent practicable and as a minimum the contract must comply with all State and local laws and regulations as will as statutory requirements and executive orders related to the FmHA financing. When all construction is complete and it is impracticable to modify the contracts, the owner must provide the certification required by paragraph (m)(4) of this section.

(3) *Consultant's certification.* Provide a certification by an engineer or architect that any construction performed complies fully with the plans and specifications.

(4) *Owner's certification.* Provide a certification by the owner that the contractor has complied with all statutory and executive requirements related to FmHA financing for construction already performed even though the requirements may not have been included in the contract documents.

(n) *Contract provisions.* In addition to provisions defining a sound and complete contract, and recipient of FmHA funds shall include the following contract provisions or conditions in all contracts.

(1) *Remedies.* Contracts other than small perchases shall contain provisions or conditions which will allow for administrative, contractual, or legal remedies in instances where contractors violate or breach contract 'erms, and provide for such sanctions and penalties as may be appropriate. A realistic liquidated damage provision should also be included.

(2) *Termination.* All contracts in excess of $10,000, shall contain suitable provisions for termination by the owner including the manner by which it will be affected and the basis for settlement. In addition, such contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

(3) *Surety.* In all contracts for construction or facility improvements awarded in excess of $100,000, the owner shall require bonds, a bank letter of credit or cash deposit in escrow assuring performance and payment, each in the amount of 100 percent of the contract cost. The surety will normally be in the form of performance bonds and payment bonds; however, when other methods of surety may be necessary, bid documents must contain provisions for such alternative types of surety. The use of surety other than performance bonds and payment bonds requires concurrence by the National Office after submission of a justification by the State Director together with the proposed form of escrow agreement or letter of credit. For contracts of lesser amounts, the owner may require surety. When a surety is not provided, contractors will furnish evidence of payment in full for all materials, labor, and any other items procured under the contract. Form FmHA 424–10, "Release by Claimants," and Form FmHA 424–9, "Certificate of Contractor's Release," may be obtained at the local FmHA office and used for this purpose. The United States, acting through the Farmers Home Administration, will be named as co-obligee on all surety unless prohibited by State law. Companies providing performance bonds and payment bonds must hold a certificate of authority as an acceptable surety on Federal bonds as listed in Treasury Circular 570 as amended and be legally doing business in the State where the facility is located.

(4) *Equal Employment Opportunity.* All contracts awarded in excess of $10,000 by owners shall contain a provision requiring compliance with Executive Order 11246, entitled, "Equal Employment Opportunity," as amended by Executive Order 11375, and as supplemented by Department of Labor regulations 41 CFR Part 60.

(5) *Anti-kickback.* All contracts for construction shall include a provision for compliance with the Copeland "Anti-Kick Back" Act (18 U.S.C. 874). This Act provides that each contractor shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which they are otherwise entitled. The owner shall report all suspected or reported violations to FmHA.

(6) *Records.* All negotiated contracts (except those of $2,500 or less) awarded by owners shall include a provision to the effect that the owner, FmHA, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the contractor which are directly pertinent to a specific Federal loan program for the purpose of making audits, examinations, excerpts, and transcriptions. Owners shall require contractors to maintain all required records for 3 years after owners make final payments and all other pending matters are closed.

(7) *Violating facilities.* Contracts in excess of $100,000 shall contain a provision which requires compliance with all applicable standards, orders, or requirements issued under Section 306 of the Clean Air Act (42 U.S.C. 1857(h)), section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency (EPA) regulations 40 CFR Part 15, which prohibit the use under non-exempt Federal contracts, grants or loans of facilities included on the EPA List of Violating Facilities. The provision shall require reporting of violations to FmHA and to the U.S. Environmental Protection Agency, Assistant Administrator for Enforcement. Solicitations and contract provisions shall include the requirements of 40 CFR 15.4(c) as set forth in Guide 18 to this Subpart which is available in all FmHA offices.

(8) *State Energy Conservation Plan.* Contracts shall recognize mandatory standards and policies relating to energy efficiency which are contained in the State energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94–163).

(9) *Labor Standards Provisions.* The provisions of the Davis-Bacon Act as supplemented by the Department of Labor's regulations 29 CFR Part 5 will apply to projects receiving FmHA assistance as described in § 1901.152 of Subpart D of Part 1901 of this chapter. As required by this paragraph and by 29 CFR 5.5, the provisions of 29 CFR 5.5 (a)(1) through (a)(7) (reprinted as Exhibit A to Subpart D of Part 1901) must be included in all construction contracts exceeding $2,000.

(10) *Change orders.* The construction contract shall require that all contract change orders be approved by FmHA.

(11) *FmHA approval.* All contracts must contain a provision that they shall not be effective unless and until approved by the FmHA State Director or designee.

(12) *Retainage.* All construction contracts shall contain adequate provisions for retainage. No payments will be made that would deplete the retainage nor place in escrow any funds that are required for retainage nor invest the retainage for the benefit of the contractor. The retainage shall not be less than an amount equal to 10 percent of an approved partial payment estimate until 50 percent of the work has been completed. If the job is proceeding satisfactorily at 50 percent completion, further partial payments shall be made in full, however, previously retained amounts shall not be paid until construction is substantially complete. Additional amounts may be retained if the job is not proceeding satisfactorily, but in no event shall the total retainage be more than 10 percent of the value of the work completed.

(o) *Contract administration.* Owners shall be responsible for maintaining a contract administration system to monitor the contractors' performance and compliance with the terms, conditions, and specifications of the contracts.

(1) *Preconstruction conference.* Prior to beginning construction, the owner will schedule a preconstruction conference where FmHA will review the planned development with the owner, its architect or engineer, resident inspector, attorney, contractor(s), and other interested parties. The conference will throughly cover applicable items included in Form FmHA 424–16, "Record of Pre-construction Conference," and the discussions and agreements will be documented. Form FmHA 424–16 may be used for this purpose.

(2) *Monitoring reports.* Each owner will be required to monitor and provide reports to FmHA on actual performance during construction for each project financed, or to be financed, in whole or in part with FmHA funds to include:

(i) a comparison of actual accomplishments with the construction schedule established for the period. The partial payment estimate may be used for this purpose.

(ii) A narrative statement giving full explanation of the following:

(A) Reasons established goals were not met.

(B) Analysis and explanation of cost overruns or high unit costs and how payment is to be made for the same.

(iii) If events occur between reports which have a significant impact upon the project, the owner will notify FmHA as soon as any of the following conditions are known:

(A) Problems, delays, or adverse conditions which will materially affect the ability to attain program objectives or prevent the meeting of project work units by established time periods. This disclosure shall be accompanied by a statement of the action taken, or contemplated, and any Federal assistance needed to resolve the situation.

(B) Favorable developments or events which enable meeting time schedules and goals sooner than anticipated or producing more work units than originally projected.

(3) *Inspection.* Full-time resident inspection is required for all construction unless a written exception is made by FmHA upon written request of the owner. Unless otherwise agreed, the resident inspector will be provided by the consulting architect/engineer. Prior to the preconstruction conference, the architect/engineer will submit a resume of qualifications of the resident inspector to the owner and to FmHA for acceptance in writing. If the owner provides the resident inspector, it must submit a resume of the inspector's qualifications to the project architect/engineer and FmHA for acceptance in writing prior to the preconstruction conference. The resident inspector will work under the general supervision of the project architect/engineer. A guide format for preparing daily inspection reports (Guide 11 to this Subpart) and Form FmHA 424–18 is available on request from FmHA.

(4) *Inspector's daily records.* The inspector will maintain a record of the daily construction progress in the form of a daily diary and/or daily inspection reports according to the following:

(i) A complete set of all daily construction records will be maintained and the original set furnished to the owner upon completion of construction.

(ii) All entries shall be legible and shall be made in ink.

(iii) Daily entries shall include the date, weather conditions, number and classification of personnel working on the site, equipment being used to perform the work, persons visiting the site, accounts of substantive discussions, instructions given to the contractors, directions received, all

significant or unusual happenings involving the work, any delays, and daily work accomplished.

(iv) The daily entries shall be made available to FmHA personnel and will be reviewed during project inspections.

(5) *Prefinal inspections.* A prefinal inspection will be made by the owner, resident inspector, project architect or engineer, representatives of other agencies involved, the District Director and a FmHA State Office staff representative, preferably the State Staff architect or engineer. Prefinal inspections may be made without FmHA State Office staff participation if the State Director or a designee determines that the facility does not utilize complicated construction techniques, materials or equipment for facilities such as small fire stations, storage buildings or minor utility extensions, and that an experienced District Office staff representative will be present. The inspection results will be recorded on Form FmHA 424–12, "Inspection Report," and a copy provided to all appropriate parties.

(6) *Finaal inspection.* A final inspection will be made by FmHA before final payment is made.

(7) *Changes in development plans.*

(i) Changes in development plans may be approved by FmHA when requested by owners, provided:

(A) Funds are available to cover any additional costs; and

(B) The change is for an authorized loan purpose; and

(C) It will not adversely affect the soundness of the facility operation or FmHA's security; and

(D) The change is within the scope of the contract.

(ii) Changes will be recorded on Form FmHA 424–7, "Contract Change Order," or, other similar forms may be used with the prior approval of the State Director or designee. Regardless of the form, change orders must be approved by the FmHA State Director or a designated representative.

(iii) Changes should be accomplished only after FmHA approval on all changes which affect the work and shall be authorized only by means of a contract change order. The change order will include items such as:

(A) Any changes in labor and material and their respective cost.

(B) Changes in facility design.

(C) Any decrease or increase in quantities based on final measurements that are different from those shown in the bidding schedule.

(D) Any increase or decrease in the time to complete the project.

(iv) All changes shall be recorded on chronologically numbered contract change orders as they occur. Change orders will not be included in payment estimates until approved by all parties.

(7 U.S.C. 1989; 7 CFR 2.23; 7 CFR 2.70)

Dated: August 31, 1983.

Charles W. Shuman,

Administrator, Farmers Home Administration.

[FR Doc. 83–32253 Filed 12–2–83; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

10 CFR Parts 2 and 72

Hybrid Hearing Procedures for Expansions of Onsite Spent Fuel Storage Capacity at Civilian Nuclear Power Reactors

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is seeking comments on two versions of a proposed rule that would amend Part 2 of its regulations to implement the hybrid hearing process in Section 134 of the Nuclear Waste Policy Act of 1982 (NWPA). Pub. L. 97–425, January 7, 1983, 96 Stat. 2201, 42 U.S.C. 10101. Section 134 of the Nuclear Waste Policy Act sets forth a hybrid hearing process to be used in certain contested proceedings on an application for a license or a license amendment to expand the spent nuclear fuel storage capacity at the site of a civilian nuclear power reactor. The hybrid hearing process wouild change existing agency practice by employing less formal procedures in the initial stages of the hearing process and by designating only genuine and substantial issues for resolution in an adjudicatory hearing. Option 1 would require the use of hybrid hearing procedures in all proceedings to which Section 134 applies. Option 2 would permit the use of such procedures at the request of any party to the proceeding. Either version of the proposed rule, if adopted, will affect licenses of commercial nuclear power reactors seeking to expand onsite spent fuel storage capacity through the use of high-density fuel storage racks, fuel rod compaction, the transshipment of spent nuclear fuel to another civilian nuclear power reactor within the same utility system, the construction of additional spent nuclear fuel pool capacity or dry storage capacity, or by other means. The proposed rule, if adopted, will also affect members of the public who seek to participate in such licensing proceedings. A minor conforming change to 10 CFR Part 72 is also proposed.

DATES: Comment period expires January 5, 1984. Comments received after January 5, 1984, will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments filed on or before that date.

ADDRESSES: Submit written comments and suggestions to: Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments received and the regulatory analysis may be examined at the Commission's Public Document Room, 1717 H Street NW, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Linda S. Gilbert, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555. Telephone (301) 492–7678.

SUPPLEMENTARY INFORMATION: Section 134 of the NWPA establishes a "hybrid" hearing process to be used in certain contested proceedings on an application for a license or a license amendment to expand the spent nuclear fuel storage capacity at the site of a civilian nuclear power reactor. The hybrid procedures apply to applications filed after January 7, 1983, the date the NWPA was enacted. Section 134 provides, in pertinent part:

> Sec. 134. (a) Oral Argument. In any Commission hearing under section 189 of the Atomic Energy Act of 1954 (42 U.S.C. 2239) on an application for a license, or for an amendment to an existing license, filed after the date of the enactment of this Act, to expand the spent nuclear fuel storage capacity at the site of a civilian nuclear power reactor, through the use of high-density fuel storage racks, fuel rod compaction, the transshipment of spent nuclear fuel to another civilian nuclear power reactor within the same utility system, the construction of additional spent nuclear fuel pool capacity or dry storage capacity, or by other means, the Commission shall, at the request of any party, provide an opportunity for oral argument with respect to any matter which the Commission determines to be in controversy among the parties. The oral argument shall be preceded by such discovery procedures as the rules of the Commission shall provide. The Commission shall require each party, including the Commission staff, to submit in written form, at the time of the oral argument, a summary of the facts, data, and arguments upon which such party proposes to rely that are known at such time to such party. Only facts and data in the form of sworn testimony or written submission may be relied upon by the parties during oral argument. Of the materials that may be submitted by the parties during oral argument, the Commission shall only consider those facts and data that are

submitted in the form of sworn testimony or written submission.

(b) Adjudicatory Hearing. (1) At the conclusion of any oral argument under subsection (a), the Commission shall designate any disputed question of fact, together with any remaining questions of law, for resolution in an adjudicatory hearing only if it determines that—

(A) There is a genuine and substantial dispute of fact which can only be resolved with sufficient accuracy by the introduction of evidence in an adjudicatory hearing; and

(B) The decision of the Commission is likely to depend in whole or in part on the resolution of such dispute.

(2) In making a determination under this subsection, the Commission—

(A) Shall designate in writing the specific facts that are in genuine and substantial dispute, the reason why the decision of the agency is likely to depend on the resolution of such facts, and the reason why an adjudicatory hearing is likely to resolve the dispute; and

(B) Shall not consider—

(i) Any issue relating to the design, construction, or operation of any civilian nuclear power reactor already licensed to operate at such site, or any civilian nuclear power reactor for which a construction permit has been granted at such site, unless the Commission determines that any such issue substantially affects the design, construction, or operation of the facility or activity for which such license application, authorization, or amendment is being considered; or

(ii) Any siting or design issue fully considered and decided by the Commission in connection with the issuance of a construction permit or operating license for a civilian nuclear power reactor at such site, unless (I) such issue results from any revision of siting or design criteria by the Commission following such decision; and (II) the Commission determines that such issue substantially affects the design, construction, or operation of the facility, or activity for which such license application, authorization, or amendment is being considered.

(3) The provisions of paragraph (2)(B) shall apply only with respect to licenses, authorizations, or amendments to licenses or authorizations applied for under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) before December 31, 2005.

(4) The provisions of this section shall not apply to the first application for a license or license amendment received by the Commission to expand onsite spent fuel storage capacity by the use of a new technology not previously approved for use at any nuclear power plant by the Commission.

To implement the hybrid hearing process in Section 134, the Commission is considering two versions of a proposed rule that would amend Part 2 of its regulations. Either version would provide for the use of less formal procedures in the early stage of the hearing process and would designate only genuine and substantial issues for resolution in an adjudicatory hearing. Option I would require the use of hybrid hearing procedures in all proceedings to which Section 134 applies. Option 2 would permit the use of such procedures at the request of any party to the proceeding. These options are discussed in more detail below. The Commission is seeking comments on both proposals to aid in its choice of procedures for the final rule.

Option 1

In Option 1, the Commission proposes to add Subpart K to 10 CFR Part 2, "Rules of Practice for Domestic Licensing Proceedings." The procedures specified in proposed Subpart K are limited to the types of applications specified in the statute; *i.e.*, applications filed after January 7, 1983, for licenses and license amendments to permit the expansion of spent nuclear fuel storage capacity at the site of a civilian nuclear power reactor. Included within the scope of Subpart K are applications filed pursuant to 10 CFR Part 72 for licensing of an independent spent fuel storage installation (ISFSI) located at the site of a civilian nuclear power reactor. In accordance with paragraph (b)(4) of Section 134, the provisions of proposed Subpart K will not apply to the first application for a license or license amendment to expand onsite spent fuel storage capacity at a particular facility by the use of a new technology not previously approved by the Commission for use at any other nuclear power plant.

The hybrid hearing process in proposed Subpart K consists of an informal first stage which culminates in a legislative-type oral argument designed to identify issues appropriate for resolution in an adjudicatory hearing. Any party may request an oral argument, but issues will not be designated for formal adjudication unless they are found to be genuine and substantial. Thus, the first stage of the hybrid process is essentially a condition precedent to an adjudicatory hearing.

Proposed Subpart K closely tracks the NWPA and substantially departs from existing practice in some respects. As under existing procedure, upon receipt of an application within the scope of the subpart, the Commission will publish a notice of proposed action (or other notice, as appropriate) in the **Federal Register.**[1] Any person whose interest may be affected may file a request for hearing or petition for leave to intervene that, among other things, identifies the specific aspect or aspects of the subject matter of the proceeding on which intervention is sought.

Proposed § 2.1103(a). This also accords with existing practice. At this point in the proceeding, the proposed hybrid hearing process differs markedly from existing practice. If the petitioner adequately identifies a specific aspect of the proceeding on which intervention is sought and otherwise satisfies the interest and standing requirements in proposed § 2.1103 (a) and (c) (which are identical to those in § 2.714 of the existing rules), the petitioner will be admitted as party to the proceeding. This differs from existing practice in which a petitioner is not admitted as a party to the proceeding unless the petitioner has specified at least one valid "contention." The key procedural provisions implementing the hybrid hearing process are contained in proposed § 2.1104. Because the first stage of the hybrid hearing process established in the NWPA is intended to be informal, a petitioner need not identify "contentions" within the meaning of § 2.714 of the existing Rules of Practice at an early stage in the proceeding. Rather, it will be sufficient if, within 10 days after the presiding officer admits the petitioner as a party, the intervening party files a comprehensive list of issues it wishes to litigate that are alleged to be within the scope of the proceeding. Requests for oral argument must also be filed at this time to be considered timely.[2] After holding such prehearing conferences as may be necessary, the presiding officer will designate in writing which issues are within the scope of the proceeding and will establish a schedule for

[1] Certain spent fuel expansion proceedings, *i.e.*, those that involve applications for an amendment to a facility operating license under 10 CFR Part 50, will be subject to applicable provisions of the Commission's interim final rule implementing Pub. L. 97-415 (the so-called "Sholly amendments"). See 48 FR 14864, 14869 (April 6, 1983). As the Commission recently explained in connection with that rule, reracking of spent fuel pools may or may not involve significant hazards considerations. The staff recently submitted a generic report on that issue. The Commission indicated that it intends to revisit that aspect of the rule and, in the interim, will make a finding on a case-by-case basis. A notice of proposed action or other notice, as appropriate, will be published in accordance with 10 CFR 2.105 or 2.106. If the Commission determines that a particular reracking involves a significant hazards consideration, it will provide an opportunity for a prior hearing; otherwise a hearing may be held after issuance of the amendment. See 10 CFR 50.58, 50.91 and 50.92. In either case, the notice will provide that if a hearing is held, it will be conducted in accordance with the hybrid procedures set forth in this proposed subpart.

[2] Because, under Option 1, the first stage of the hybrid process is in essence a condition precedent to an adjudicatory hearing in those proceedings to which Section 134 applies, the Commission assumes that at least one party will request oral argument. Should no party request oral argument, however, the presiding officer will issue an order terminating the proceeding and the staff will process the application in accordance with existing procedures applicable to uncontested proceedings.

discovery and subsequent oral argument with respect to those issues.

Factual issues raised in the informal stage of the proceeding will not be subject to formal adjudication unless, after discovery and oral argument, they are shown to be genuine and substantial. Prior to oral argument, Licensing Boards will accept issues for purposes of discovery so long as they are clearly within the scope of the proceeding and are reasonably likely to alert the other parties to the subject matter of the intervening party's concerns. Issues need not be supported with a statement of basis as now required for contentions filed under § 2.714. After the presiding officer determines which proffered issues are within the scope of the proceeding, the presiding officer will establish an appropriate schedule for discovery. Proposed § 2.1104(d). Discovery will proceed in accordance with existing discovery rules in §§ 2.720(h), 2.740, 2.740a, 2.740b, 2.741, 2.742 and 2.744, except that discovery will begin and end on a schedule established by the presiding officer.[3] The Commission recognizes that, initially, discovery will be somewhat broader than under existing practice because the issues will be less focused in the early stages of the proceeding; i.e., there will be no contentions admitted to the proceeding as under current practice. However, discovery will be limited to those factual issues determined by the presiding officer to be within the scope of the proceeding. As discovery proceeds, the Commission expects the issues to become more focused and specific as each party evaluates the responses of the others and narrows its inquiries to areas arguably involving matters of disputed fact.

After discovery is completed, an oral argument will be held. The oral argument will be limited to those matters in controversy that the presiding officer determines are within the scope of the proceeding pursuant to § 2.1104(d). Fourteen (14) days before the date set for oral argument, each party, including the NRC staff, shall submit to the presiding officer a written summary of the facts, data, and arguments upon which the party proposes to rely that are known to the party at that time. Each party shall serve its written submission on every party to the proceeding. Because the purpose of the oral argument is to identify those genuine and substantial disputed issues of fact which must be resolved in an adjudicatory hearing, each party's submission should focus on the specific matters alleged to constitute genuine and substantial disputes of fact and the arguments for or against, as appropriate. During oral argument, the parties may rely only on facts and data contained in written submissions and the presiding officer may consider only those facts and data that are submitted in such form. It must be emphasized that the oral argument is not an evidentiary hearing, but rather a forum for separating genuine factual issues (for subsequent adjudication) from issues of policy or law and/or frivolous factual issues. Accordingly, while parties may call technical experts to support their views, parties are not authorized to cross-examine opposing witnesses. However, the presiding officer may afford the parties an opportunity to suggest in writing questions which they would like the presiding officer to put to opposing witnesses.

Following oral argument, and after due consideration of the various arguments and written submissions, the presiding officer shall make the appropriate findings with respect to each alleged dispute of fact. Proposed § 2.1106. The criteria that the presiding officer must apply in determining which issues, if any, should be resolved in an adjudicatory hearing are identical to the statutory language. The standard is quite strict and is intended to ensure that the resources of all parties to any adjudicatory hearing are focused exclusively on real issues. Appeals from the presiding officer's designation of issues for resolution in an adjudicatory hearing are interlocutory and must await the end of the proceeding, except insofar as they are authorized by existing § 2.714a. Except to the extent qualified in this subpart, any adjudicatory hearing will follow the existing adjudicatory procedures set forth in Subpart G of 10 CFR Part 2. However, because discovery will precede the oral argument, there should ordinarily be no need for further discovery prior to the adjudicatory hearing. Accordingly, the Commission expects that the adjudicatory phase of the hearing will begin expeditiously after the presiding officer designates the issues meeting the criteria in §2.1106.

Option 2

In Option 2, the Commission proposes to implement Section 134 of the NWPA by adding § 2.749a to 10 CFR Part 2. In essence, this option provides for a form of summary disposition procedure to be employed at the request of any party to the proceeding. Proposed § 2.749a differs from the existing summary disposition procedure in that all parties must submit their oral and written positions simultaneously. All other aspects of the hearing process would continue to be governed by the Commission's rules of practice in 10 CFR Part 2, Subpart G. Under Option 2, (as under existing practice), petitioners for intervention must specify at least one admissible contention in order to be admitted as a party. Use of the hybrid procedures is optional rather than mandatory, and the procedures are available in all proceedings to which Section 134 applies. Any party may request, in writing, a decision by the presiding officer that all or any part of the matters involved in the proceeding need not be heard in an adjudicatory proceeding. Proposed § 2.749a(a). Any such request shall be deemed granted upon receipt and the presiding officer shall notify the parties of the date, time, and location of oral argument. Prior to oral argument, discovery will be conducted according to existing rules. Fourteen days before oral argument, each party shall submit a written summary of the facts, data, and arguments on which the party proposes to rely at oral argument. Proposed § 2.749a(b). Following oral argument, the presiding officer shall, by written order, (1) decide all issues of law or fact not designated for adjudication, setting forth all findings, conclusions, and reasons; and (2) designate any remaining questions of fact or law for resolution in an adjudicatory hearing. Proposed § 2.749a(c).

The standards governing the presiding officer's designation of issues for resolution in an adjudicatory hearing appear in paragraphs (d) and (e) of proposed § 2.749a. They follow the statutory language quite closely and are essentially the same as those porposed in Option 1. If the presiding officer determines that no issue is to be designated for an adjudicatory hearing, the order required by proposed § 2.749a(c) shall be in the form of, and shall constitute, an initial decision pursuant to existing §2.760.

Paperwork Reduction Act Statement

This proposed rule contains no new or amended information collection requirements subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.).

Regulatory Flexibility Certification

The proposed rule will not have a significant economic impact upon a

[3] Under existing § 2.740(b)(1), beginning and ending dates for discovery in construction permit and operating license hearings are based on prehearing conference dates. Because proposed § 2.1104(d) gives the presiding officer discretion in calling prehearing conferences, such dates are not necessarily appropriate here.

substantial number of small entities. Nuclear power plant licensees do not fall within the definition of small businesses found in sectin 3 of the Small Business Act, 15 U.S.C. 632, or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR Part 121. The impact on intervenors or potential intervenors will be neutral. The proposed rules, if adopted, will reduce the burden on intervenors during the informal stage of the hybrid hearing by eliminating the need to plead contentions. However, the oral argument may increase case preparation costs by requiring intervenors to demonstrate the existence of a genuine disupted issue in order to trigger an NRC adjudicatory proceeding. Once the adjudicatory hearing commences, an intervenor's costs should decrease because the issues will be more clearly focused than under existing practice. Thus, in accordance with the Regulatory Flexibility Act, 5 U.S.C. 605(b), the NRC hereby certifices that this rule, if promulgated, will not have a significant economic impact upon a substantial number of small entities.

Regulatory Analysis

The Commission has prepared a Regulatory Analysis of the proposed rule assessing the costs and benefits and resource impacts. It may be examined at the Commission's Public Document Room, 1717 H. Street NW., Washington, D.C.

List of Subjects

10 CFR Part 2

Administrative practice and procedure, Antitrust, Byproduct material, Classified information, Environmental protection, Nuclear materials, Nuclear power plants and reactors, Penalty, Sex discrimination, Source material, Special nuclear material, Waste treatment and disposal.

10 CFR Part 72

Manpower training programs, Nuclear materials, Occupational safety and health, Reporting and recordkeeping requirements, Security measures, Spent fuel.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, the Nuclear Waste Policy Act of 1982 and Sections 552 and 553 of Title 5 of the United States Code, the NRC is proposing to adopt the following amendments to 10 CFR Parts 2 and 72.

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

1. The authority citation for Part 2 is revised to read as follows:

Authority: Secs. 161, 181, 68 Stat. 948, 953, as amended (42 U.S.C. 2201, 2231,); sec. 191, as amended, Pub, L. 87–615, 76 Stat. 409 (42 U.S.C. 2241); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); 5 U.S.C. 552.

Sec. 2.101 also issued under secs. 53,, 62, 63, 81, 103, 104, 105, 68 Stat. 930, 932, 933, 935, 936, 937, 938, as amended (42 U.S.C. 2073, 2092, 2093, 2111, 2133, 2134, 2135); sec. 102, Pub. L. 91–190, 83 Stat. 853, as amended (42 U.S.C. 4332); sec. 301, 88 Stat. 1248 (42 U.S.C. 5871). Secs. 2.102, 2.103, 2.104, 2.105, 2.721 also issued under secs. 102, 103, 104, 105, 183, 189, 68 Stat. 936, 937, 938, 954, 955 as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2233, 2239). Section 2.105 also issued under Pub. L. 97–415, 96 Stat. 2073 (42 U.S.C. 2239). Secs. 2.200–2.206 also issued under secs. 186, 234, 68 Stat. 955, 83 Stat. 444, as amended (42 U.S.C. 2236, 2282); sec. 206, 88 Stat. 1246 (42 U.S.C. 5846). Secs. 2.600–2.606 also issued under sec. 102, Pub. L. 91–190, 83 Stat. 853, as amended (42 U.S.C. 4332). Sections 2.700a, 2.719 also issued under 5 U.S.C. 554. Secs. 2.754, 2.760, 2.770 also issued under 5 U.S.C. 557. Sections 2.790 also issued under sec. 103, 68 Stat. 936, as amended (42 U.S.C. 2133) and 5 U.S.C. 552. Secs. 2.800 and 2.808 also issued under 5 U.S.C. 553. Sec. 2.809 also issued under 5 U.S.C. 553 and sec. 29, Pub. L. 85–256, 71 Stat. 579, as amended. (42 U.S.C. 2039). [Subpart K or § 2.749a] also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97–425, 96 Stat. 2230 (42 U.S.C. 10154). Appendix A also issued under sec. 6, Pub. L. 91–580, 84 Stat. 1437 (42 U.S.C. 2135).

2. *For Option 1 only:* Part 2 is amended by adding a new Subpart K to 10 CFR Part 2 to read as follows:

Subpart K—Hybrid Hearing Procedures for Expansions of Onsite Spent Fuel Storage Capacity at Civilian Nuclear Power Reactors

Sec.

§ 2.1100 Purpose.

The purpose of this subpart is to implement section 134 of the Nuclear Waste Policy Act of 1982 (Pub. L. 97–425, 96 Stat. 2230, 42 U.S.C. 10154), which establishes hybrid hearing procedures to be used in certain contested proceedings on applications for a license or license amendment to expand the spent fuel storage capacity at the site of a civilian nuclear power plant. The hybrid hearing procedures consist of an oral argument, preceded by discovery, with respect to any matter in controversy among the parties which the Commission determines to be within the scope of the proceeding, followed by an adjudicatory hearing on any genuine and substantial disputed question of fact.

§ 2.1101 Scope of subpart.

This subpart prescribes procedures applicable to contested proceedings on applications for a license or license amendment, filed after January 7, 1983, to expand the spent fuel storage capacity at the site of a civilian nuclear power plant, through the use of high density fuel storage racks, fuel rod compaction, the transshipment of spent nuclear fuel to another civilian nuclear power reactor within the same utility system, the construction of additional spent nuclear fuel pool capacity or dry storage capacity, or by other means. This subpart also applies to proceedings on applications for a license under 10 CFR Part 72 to store spent fuel in an independent spent fuel storage installation located at the site of a civilian nuclear power reactor. This subpart shall not apply to the first application for a license or license amendment to expand the spent fuel storage capacity at a particular site through the use of a new techology not previously approved by the Commission for use at any other nuclear power plant.

§ 2.1102 Notice of proposed action.

(a) In connection with each application filed after January 7, 1983, for a license or an amendment to a license to expand the spent fuel storage capacity at the site of a civilian nuclear power plant, for which the Commission has not found that a hearing is required in the public interest and for which an adjudicatory hearing has not yet been convened, the Commission will, prior to acting thereon, cause to be published in the **Federal Register** a notice of proposed action. In the case of an application for an amendment to an operating license for a nuclear power reactor, the provisions of §§ 50.58, 50.91 and 50.92 of this chapter will govern the type of notice required and the timing of the hearing relative to the issuance of the amendment; however, any hearing held on the application shall be conducted in accordance with the procedures in this subpart.

(b) The notice of proposed action will set forth:

(1) The nature of the action proposed; and

(2) The manner in which a copy of the safety analysis, appropriate environmental documents and the ACRS report, if any, may be obtained or examined.

(c) The notice of proposed action will provide that, within thirty (30) days from the date of publication of the notice in the **Federal Register**, or such lesser period authorized by law as the Commission may specify:

(1) The applicant may file a request for a hearing; and

(2) Any person whose interest may be affected by the proceeding may file a petition for leave to intervene or a request for a hearing.

(d) The notice of proposed action will specify that any hearing held on the application shall be conducted in accordance with the procedures set forth in this subpart.

(e)(1) If no request for a hearing or petition for leave to intervene is filed within the time prescribed in the notice, the Director of Nuclear Reactor Regulation or the Director of Nuclear Material Safety and Safeguards, as appropriate, may take the proposed action, inform the appropriate State and local officials, and publish in the **Federal Register** a notice of issuance of the license or other action.

(2) If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the presiding officer, who shall be an Atomic Safety and Licensing Board established by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request or petition and will issue an appropriate order.

§ 2.1103 Requests for hearing or petitions to intervene.

(a)(1) Any person whose interest may be affected by the proceeding and who desires to participate as a party shall file a written petition for leave to intervene or a request for a hearing. The petition or request shall be filed not later than the time specified in the notice of proposed action or as provided by the Commission, the presiding officer, or the atomic safety and licensing board designed to rule on the petition or request. Nontimely filings will not be entertained absent a determination by the Commission, the presiding officer, or the atomic safety and licensing board designated to rule on the petition or request, that the petition or request should be granted based upon a balancing of the following factors in addition to those set out in paragraph (c) of this section:

(i) Good cause, if any, for failure to file on time.

(ii) The availability of other means whereby the petitioner's interest will be protected.

(iii) The extent to which the petitioner's participation may reasonably be expected to assist in developing a sound record.

(iv) The extent to which the petitioner's interest will be represented by existing parties.

(v) The extent to which the petitioner's participation will broaden the issues or delay the proceeding.

(2) The petition shall set forth with particularity the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, including the reasons why the petitioner should be permitted to intervene, with particular reference to the factors in paragraph (c) of this section, and the specific aspect or aspects of the subject matter of the proceeding as to which petitioner wishes to intervene.

(b) Any party to a proceeding may file an answer to a petition for leave to intervene within ten (10) days after service of the petition, with particular reference to the factors set forth in paragraph (c) of this section. However, the staff may file such an answer within fifteen (15) days after service of the petition.

(c) The Commission or the presiding officer shall promptly rule in writing on each request for a hearing or petition to intervene. No request for a hearing or petition to intervene may be granted unless the Commission or the presiding officer determines that the requestor or petitioner meets judicial standards for standing. For purposes of this subpart, a petitioner whose petition for leave to intervene is granted shall be considered a party to the proceeding. In ruling on a petition for leave to intervene the following factors, among other things, shall be considered:

(1) The nature of the petitioner's right under the Act to be made a party to the proceeding.

(2) The nature and extent of the petitioner's property, financial, or other interest in the proceeding.

(3) The possible effect of any order which may be entered in the proceeding on the petitioner's interest.

(d) An order permitting intervention or granting a hearing may be conditioned on such terms as the Commission, or the presiding officer may direct in the interests of (1) restricting irrelevant, duplicative, or repetitive evidence and argument; (2) having common interests represented by a spokesperson; and (3) retaining authority to determine priorities and control the scope of the hearing.

(e) In any case in which, after consideration of the factors set forth in paragraph (c) of this section, the Commission or the presiding officer finds that the petitioner's interest is limited to one or more specific aspects of the subject matter of the proceeding, an order allowing intervention shall limit his or her participation accordingly.

(f) A person permitted to intervene becomes a party to the proceeding subject to any limitations imposed pursuant to paragraph (g) of this section.

(g) Unless otherwise expressly provided in the order allowing intervention, the granting of a petition for leave to intervene does not change or enlarge the scope of the proceeding as specified in the notice of proposed action.

§ 2.1104 Filing of list of issues; requests for oral argument.

(a) Within ten (10) days after an order granting a petition for leave to intervene, an intervening party shall file a comprehensive list of the issues which it seeks to have determined in the proceeding, and a statement as to why each issue set forth is within the scope of the proceeding. Additional time for filing the list may be granted upon a showing of good cause. Additional issues may be entertained after the filing of the list required by this subsection only upon a favorable balancing of the factors in § 2.1103(a)(1).

(b) Any party to the proceeding may file a response to the list of issues within ten (10) days after service of the list. However, the staff may file its reponse within (15) days after service of the list.

(c)(1) Within ten (10) days after an order granting a petition for leave to intervene, any party may request an oral argument. Requests for oral argument shall be in writing and shall be filed with the presiding officer. A timely request for oral argument shall be deemed granted.

(2) Untimely requests for oral argument may be granted by the presiding officer upon a showing of good cause by the requesting party for failure to file on time and after providing the other parties an opportunity to respond to the untimely request.

(d) After holding such prehearing conferences as may be necessary, the presiding officer shall issue a written order designating which issues filed pursuant to paragraph (a) of this section are within the scope of the proceeding, and establishing a schedule for discovery and subsequent oral argument with respect to those issues.

(e) If no party to the proceeding requests oral argument, or if all untimely requests for oral argument are denied, the presiding officer shall issue a written order terminating the proceeding and the application shall be processed by the staff in accordance with procedures applicable to uncontested proceedings.

§ 2.1105 Discovery; oral argument.

(a) Oral argument shall be limited to those matters in controversy among the parties which the presiding officer determines to be within the scope of the proceeding pursuant to § 2.1104. The argument shall be preceded by discovery to the extent permitted by §§ 2.720(h), 2.740, 2.740a, 2.740b, 2.741, 2.742 and 2.744. Nothwithstanding the provisions of § 2.740(b)(1), discovery shall begin and end at such times as the presiding officer shall order. A party other than the staff or license or license amendment applicant may obtain discovery and participate in oral argument with respect to only those issues raised by that party which are determined to be within the scope of the proceeding by the presiding officer.

(b) Each party, including the staff, shall submit to the presiding officer fourteen (14) days prior to the date set for oral argument a written summary of the facts, data, and arguments which are known to the party at such time and upon which such party proposes to rely at the time of the oral argument either to support or to refute the existence of a genuine and substantial dispute of fact. Each party's written submission shall be simultaneously served on all other parties to the proceeding. Only facts and data in the form of sworn testimony or written submission may be relied upon by the parties during oral argument, and the presiding officer shall consider only those facts and data submitted in such form.

(c) The presiding officer shall have broad discretion in conducting the oral argument to ensure that an adequate record is made to support the findings required in § 2.1106, including the discretion to request from opposing parties questions in the nature of the cross-examination which such parties would like the presiding officer to address to any opposing witness presented at the oral argument. This provision shall not be construed as authorizing any party to the proceeding to conduct cross-examination of opposing witnesses at the oral argument.

§ 2.1106 Designation of issues for hearing.

(a) After due consideration of the written filings and the facts and data presented at the oral argument, the presiding officer shall promptly designate in a written order any disputed questions of fact, together with any remaining questions of law, for resolution in an adjudicatory hearing. The written order shall include a statement of findings and conclusions, together with the reasons or basis for them, with respect to any issue of law or fact heard at the oral argument that is not designated for resolution at the adjudicatory hearing. The presiding officer may not designate *sua sponte* any issues for resolution in the adjudicatory hearing.

(b) No question of law or fact shall be designated for resolution in an adjudicatory hearing unless the presiding officer determines that—

(1) There is a genuine and substantial dispute of fact which can only be resolved with sufficient accuracy by the introduction of evidence in an adjudicatory hearing; and

(2) The decision of the Commission is likely to depend in whole or in part on the resolution of such dispute.

(c) In making a determination under this subsection, the presiding officer—

(1) Shall designate in writing the specific facts that are in genuine and substantial dispute, the reason why the decision of the agency is likely to depend on the resolution of such facts, and the reason why an adjudicatory hearing is likely to resolve the dispute; and

(2) Shall not consider—

(i) Any issue relating to the design, construction, or operation of any civilian nuclear power reactor already licensed to operate at such site, or any civilian nuclear power reactor for which a construction permit has been granted at such site, unless the presiding officer determines that any such issue substantially affects the design, construction, or operation of the facility or activity for which such license application, authorization, or amendment is being considered; or

(ii) Any siting or design issue fully considered and decided by the Commission in connection with the issuance of a construction permit or operating license for a civilian nuclear power reactor at such site, unless (A) such issue results from any revision of siting or design criteria by the Commission following such decision; and (B) the presiding officer determines that such issue substantially affects the design, construction, or operation of the facility or activity for which such license application, authorization, or amendment is being considered.

(d) The provisions of paragraph (c)(2) of this section shall apply only with respect to licenses, authorizations, or amendments to licenses or authorizations applied for before December 3, 2005.

((e) Appeals from the presiding officer's designation of issues are interlocutory and must await the end of the proceeding, except to the extent authorized by § 2.714a of this chapter.

§ 2.1107 Applicability of other sections.

The provisions of Subparts A and G relating to construction permits, operating licenses, and amendments thereto apply, respectively, to construction permits, operating licenses, and amendments thereto that are subject to this subpart, except as qualified by the provisions of this subpart.

PART 72—LICENSING REQUIREMENTS FOR THE STORAGE OF SPENT FUEL IN AN INDEPENDENT SPENT FUEL STORAGE INSTALLATION (ISFSI)

3. *For Option 1 only:* The authority citation for Part 72 is revised to read as follows:

Authority: Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2282); sec. 274, Pub. L. 86–273, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 201, 202, 206, 88 Stat. 1242, 1243, 1246, and amended (42 U.S.C. 5841, 5842, 5846); Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332); sec. 134, Pub. L. 97–425, 96 Stat. 2230.

4. *For Option 1 only:* In § 72.34, paragraph (a) is revised to read as follows:

§ 72.34 Public hearings.

(a) In connection with each application for a license of an amendment to a license under this part, the Commission shall issue or cause to be issued a notice of hearing in accordance with § 2.104 of this chapter, or a notice of proposed action in accordance with § 2.105 or § 2.1102 of this chapter, as appropriate. Except as provided in paragraph (b) of this section, a hearing may not be held until after 30 days' notice and publication once in the **Federal Register.**

* * * * *

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

5. *For Option 2 only:* Section 2.749a is added to read as follows:

§ 2.749a Authority of presiding officer to dispose of certain issues on the pleadings.

(a) Any party may request, in writing, a decision by the presiding officer that all or any part of the matters involved in a spent fuel proceeding need not be heard in an adjudicatory hearing. Spent fuel proceedings, pursuant to Part 50 of this chapter, include an application for a license, or for an amendment to an existing license, filed after January 7, 1983 and prior to December 31, 2005, to expand the spent nuclear fuel storage capacity at the site of a civilian nuclear power reactor, through the use of high-density fuel storage racks, fuel rod compaction, the transshipment of spent nuclear fuel to another civilian nuclear power reactor within the same utility system, the construction of additional spent nuclear fuel pool capacity or dry storage capacity, or by other means.

(b) A request pursuant to paragraph (a) of this section shall be deemed granted upon receipt and the presiding officer shall notify all the parties as to the date, time and location of oral argument. Such oral argument will not be scheduled until all parties have completed discovery, pursuant to 10 CFR 2.740–2.742 and 2.744, on the matters raised in the request. Fourteen (14) days prior to the date set for oral argument, each party, including the NRC Staff, shall submit, to the presiding officer, and shall simultaneously serve on all other parties, a detailed written summary of all of the facts, data, and arguments which are known to the party at such time and upon which the party proposes to rely at the oral argument. Only facts and data in the form of sworn testimony or other written submission may be relied upon by the parties during oral argument and the presiding officer shall only consider those facts and data submitted in such form.

(c) After due consideration of the oral presentation and the written facts and data presented at the oral argument, the presiding officer shall promptly by written order:

(1) Decide all issues of law or fact not designated for resolution in an adjudicatory hearing, setting forth fully the presiding officer's findings and conclusions, with the reasons or bases for them; and

(2) Designate any remaining questions of fact or law for resolution in an adjudicatory hearing.

(d) No question of law or fact shall be designated for resolution in an adjudicatory hearing unless the presiding officer determines that:

(1) There is a genuine and substantial dispute of fact which can only be resolved with sufficient accuracy by the introduction of evidence in an adjudicatory hearing; and

(2) The decision of the Commission is likely to depend in whole or in part on the resolution of such dispute.

(e) In making a determination under paragraph (d) of this section, the presiding officer shall designate in writing the specific facts that are in genuine and substantial dispute, the reasons why the decision of the Commission is likely to depend on the resolution of such facts, and the reasons why an adjudicatory hearing is likely to resolve the dispute. The presiding officer shall not consider:

(1) Any issue relating to the design, construction, or operation of any civilian nuclear power reactor already licensed to operate at such site, or any civilian nuclear power reactor for which a construction permit has been granted at such site, unless the presiding officer determines that any such issue substantially affects the design, construction, or operation of the facility or activity for which such license application, authorization, or amendment is being considered; or

(2) Any siting or design issue fully considered and decided by the Commission in connection with the issuance of a construction permit or operating license for a civilian nuclear power reactor at such site, unless (i) such issue results from any revision of siting or design criteria by the Commission following such decision; and (ii) the presiding officer determines that such issue substantially affects the design, construction, or operation of the facility or activity for which such license application, authorization, or amendment is being considered.

(f) If the presiding officer determines that no issue is to be designated for an adjudicatory hearing, the order required by paragraph (c) of this section shall be in the form of, and shall constitute the initial decision of the presiding officer in accordance with the provisions of § 2.760 of these rules.

(g) This section shall not apply to a proceeding on the first application for a license or license amendment to expand on-site fuel storage capacity by the use of a new technology not previously approved for use at any nuclear power plant by the Commission.

Dated at Washington, D.C. this 29th day of November, 1983.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 83-32293 Filed 12-2-83; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 82-ACE-11]

Transition Area—St. Francis, Kansas; Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to designate a 700-foot transition area at St. Francis, Kansas, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Cheyenne County Municipal Airport, St. Francis, Kansas, utilizing a nondirectional radio beacon (NDB) as a navigational aid. This proposed action will change the airport status from VFR to IFR.

DATES: Comments must be received on or before January 9, 1984.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Manager, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE–530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Manager, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Dale L. Carnine, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE–532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before the closing date for comments will be considered before action is taken

on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374-3408.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) by designating a 700-foot transition area at St. Francis, Kansas. To enhance airport usage, a new instrument approach procedure is being developed for the Cheyenne County Municipal Airport, St. Francis, Kansas, utilizing a NDB as a navigational aid. This navigational aid will provide new navigational guidance for aircraft utilizing the airport. The establishment of a new instrument approach procedure based on this navigational aid entails designation of a transition area at St. Francis, Kansas, at and above 700 feet above ground level (AGL) within which aircraft are provided air traffic control service. Transition areas are designed to contain IFR operations in controlled airspace during portions of the terminal operation and while transiting between the terminal and enroute environment. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR). This action will change the airport status from CFR to IFR.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), by designating the following transition area:

St. Francis, Kansas

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Cheyenne Municipal Airport, St. Francis, Kansas, (latitude 39°45'39" N, longitude 101°47'47" W) and within 3 miles each side of the 143° bearing from the St. Francis NDB (latitude 39°43'37" N, longitude 101°45'56" W) extending from the 5.5-mile radius area to 8.5 miles southeast of the NDB facility.

(Secs. 307(a) and 313(a), Federal aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, Jan. 12, 1983); and Sec. 11.65 of the Federal Aviation Regulations (14 CFR 11.65)

Note. —The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; Feb. 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine mater that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on November 25, 1983.

Murray E. Smith,

Director, Central Region.

[FR Doc. 83-32277 Filed 12-2-83; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-20407; File No. S7-10002]

Refiling of Revised Form BD by all Registered Broker-Dealers

AGENCY: Securities and Exchange Commission.

ACTION: Notice of proposed rule change.

SUMMARY: The Commission is publishing for comment a proposed rule which would require all broker-dealers presently registered with the Commission to file a revised Form BD on or before January 1, 1985. The Commission believes that the proposed rule facilitates the implementation of Phase II of the Central Registration Depository ("CRD") establishing a CRD registration system for broker-dealers. It will ensure that Commission records on broker-dealers are equivalent to those of the CRD System. Moreover, members of the public may more easily be able to find information on registered broker-dealers.

DATE: Comments must be received on or before January 3, 1984.

ADDRESSES: Persons wishing to submit written comments should file three copies thereof with George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 450 5th Street NW., Washington, D.C. 20549. Reference should be made to File No. S7-1002. Copies of the submission and of all written comments will be available for public inspection at the Commission's Public Reference Room, 450 5th Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Julio A. Mojica, Esq. Division of Market Regulation, Securities and Exchange Commission, 450 5th Street NW., Washington, D.C. 20549 (202) 272-2908.

SUPPLEMENTARY INFORMATION: The Commission today adopted a revised Form BD at the recommendation of the Special Committee to Revise Form BD ("Special Committee") created by the North American Securities Administrators Association, Inc.

The purpose of the adopted revisions is to reduce the regulatory burden upon broker-dealers by lessening duplicative registration requirements. The revisions will enable broker-dealers to use a single form to register or withdraw from registration with states and self-regulatory organizations as well as the Commission. A second, complimentary purpose of the revisions was to make Form BD and Form BDW compatible with the CRD.

In addition, the Special Committee has recommended that all broker-dealers registered with the states be reguired to submit a completed revised Form BD to the NASAA/NASD CRD between January 1, 1984 and March 31, 1984. The staff has been informed that states are expected to require submission of revised Form BD by their registered broker-dealers before January 1, 1985.

In conjunction with the adoption of revised Form BD and the above "Special Committee" recommendation, the Commission is proposing to amend Rule 15b3-1 to provide that all broker-dealers that are currently registered with the Commission must file with the Commission a revised Form BD furnishing all information required therein by January 1, 1985. A broker-dealer which complies with the directives of any state may comply with this proposed rule by filing with the Commission a copy of the Form BD filed with the CRD System.

The Commission believes that the proposed rule facilitates the implementation of Phase II of the CRD establishing a CRD registration system for broker-dealers. It will ensure that Commission records on broker-dealers are equivalent to those of the CRD System. Moreover, members of the public may more easily be able to find information on registered broker-dealers.

Statutory Basis

Pursuant to the Securities Exchange Act of 1934 and particularly Sections 15(b), 17(a) and 23(a), 15 U.S.C. § 78*o*(b), 78q and 78w(a), the Commission proposes to amend Part 240 in Chapter II of Title 17 of the Code of Federal Regulations in the manner set forth below.

List of Subjects in 17 CFR Part 240

Reporting and recordkeeping requirements, Securities.

Text of Proposed Amendments

It is proposed to amend 17 CFR 240.15b3–1 by revising paragraph (a) as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

§ 240.15b3–1 Amendments to application.

(a) Every registered broker or dealer shall file a complete Form BD (as revised January 1, 1984, and as amended thereafter) on or before January 1, 1985.

* * * * *

By the Commission.

Dated: November 22, 1983.

George A. Fitzsimmons,

Secretary.

Regulatory Flexibility Act Certification

I, John S. R. Shad, Chairman of the Securities and Exchange Commission, hereby certify pursuant to 5 U.S.C. 605(b) that the proposed amendment to Rule 15b3–1 if promulgated, will not have a significant economic impact on a substantial number of small broker-dealers. The proposed amendment would require all broker-dealers presently registered with the Commission to file a revised Form BD on or before January 1, 1985. Such a requirement will not have a significant economic impact on a substantial number of small broker-dealers because the time and effort required to file a revised form will be minimal.

John S. R. Shad.

November 28, 1983.

[FR Doc. 83–32359 Filed 12–2–83; 8:45 am]

BILLING CODE 8010–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 145

[WH-FRL 2482-2]

South Carolina Department of Health and Environmental Control, Underground Injection Control Primacy Application

AGENCY: Environmental Protection Agency.

ACTION: Notice of Public Comment Period and of Public Hearing.

SUMMARY: The purpose of this notice is to announce that: (1) The Environmental Protection Agency (EPA) has received a complete application from the State of South Carolina requesting primary enforcement responsibility for the Underground Injection Control (UIC) Program; (2) the application is now available for inspection and copying; (3) public comments are requested; and (4) a public hearing will be held.

The proposed comment period will provide EPA the breadth of information and public opinion necessary to approve, disapprove, or approve in part and disapprove in part the Section 1422 application of the South Carolina Department of Health and Environmental Control (SCDHEC) to regulate Classes I, II, III, IV, and V injection wells.

DATES: Requests to present oral testimony should be filed by December 20, 1983. Public Hearings will be held on January 5, 1983. The 10:00 a.m. hearing will end at 3:00 p.m. or at the end of the testimony, whichever comes first. The 7:00 p.m. hearing will continue until the end of the testimony. Written comments must be received by January 15, 1983.

EPA reserves the right to cancel the hearing should there be no significant public interest. Those informing EPA of their intention to testify will be notified of the cancellation.

ADDRESSES: Comments and requests to testify should be mailed to Donald J. Guinyard, Chief, Water Supply Branch, Environmental Protection Agency, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365. Copies of the application and pertinent material are available between 9:00 a.m. and 4:00 p.m., Monday through Friday at the following locations:

Environmental Protection Agency, Region IV, Library, 1st Floor, 345 Courtland Street, NE., Atlanta Georgia 30365, PH: (404) 881–4216

South Carolina Department of Health, and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201, PH: (803) 785–5213

Two hearings will be held. The 10:00 a.m. hearing will be held in the W. L. Linton Conference Room (Room 405), South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina. The 7:00 p.m. hearing will be held in the Building 1 Conference Room (Room 120), Midland Technical College, Airport Campus (Operations), Lexington Avenue, West Columbia, South Carolina.

FOR FURTHER INFORMATION CONTACT: Donald J. Guinyard, Chief, Water Supply Branch, Environmental Protection Agency, Region IV, 345 Courtland Street, Atlanta, Georgia 30365. PH: (404) 881–3866. Comments should also be sent to this address.

SUPPLEMENTARY INFORMATION: The South Carolina Underground Injection Control (UIC) program seeks to protect as "underground sources of drinking water" (USDWs) all aquifers capable of yeilding a significant amount of water containing less than 10,000 mg/1 of total dissolved solids. The State of South Carolina does not intend to exempt any aquifers at this time.

The program proposes to ban Class I and IV injection wells. At present, the State of South Carolina has 33 inventoried Class V injection wells and no Class I, II, III, and IV injection wells. Class V wells will be studied to assess whether further regulatory measures are required.

The terms listed below comprise a complete listing of the thesaurus terms associated with 40 CFR Part 145, which sets forth the requirements for a State requesting the authority to operate its own permit program of which the Underground Injection Control program is a part. These terms may not all apply to this particular notice.

List of Subjects in 40 CFR Part 145

Indians—lands, Reporting and recordkeeping requirements, Intergovernmental relations, Penalties, Confidential business information, Water supply.

This application from the South Carolina Department of Health and Environmental Control is for the regulation of all injection wells in the State. The application includes a description of the State Underground Injection Control Program, copies of all applicable statutes and rules, a statement of legal authority and a proposed memorandum of agreement between the South Carolina Department of Health and Environmental Control

and Region IV office of the Environmental Protection Agency.

Dated: November 28, 1983.

Jack E. Ravan,

Assistant Administrator for Water.

[FR Doc. 83-32318 Filed 12-2-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6574]

National Flood Insurance Program, Proposed Flood Elevation Determinations, California, et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations and proposed modified base flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of the proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472; (202) 287-0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations and modified base flood elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations perscribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

The proposed modified base flood elevations for selected locations are:

PROPOSED MODIFIED BASE FLOOD ELEVATIONS

State	City, town and county	Source of flooding	Location	# Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
California	National City, city of San Diego County	Las Puleta Creek	At Eta Street crossing	(1)	# 1
Maps are available for review at City Hall, Planning Department, 1243 National City Blvd., National City, California. Send comments to the Honorable Kyle Morgan, Mayor, City of National City, 1243 National City Blvd., National City, California 92050.					
Florida	(C) Port Orange, Volusia County	Intercoastal Waterway/Halifax River.	At 3,000 feet due east of the intersection of Ridgewood Avenue and Ocean Avenue.	*7	*8
			At 5,500 feet due east of the intersection of Fox Place and Ridgewood Avenue.	*8	*7
			At the intersection of Fox Place and Ridgewood Avenue.	*8	*7
Maps available for inspection at the City Clerk's Office, 209 Dunlawton Avenue, Port Orange, Florida. Send comments to Honorable James R. Fisher, Mayor, City of Port Orange, P.O. Box 5, Port Orange, Florida 32029-0005.					
New York	Glen Cove, city, Nassau County	Long Island Sound	Shell Drive (extended west)	*13	*17
			Crescent Beach Road (extended west)	*13	*17
Maps available for inspection at the City Hall, Bridge Street, Glen Cove, New York. Send comments to Honorable Alan Parente, Mayor of Glen Cove, City Hall, Bridge Street, Glen Cove, New York 11542.					
Pennsylvania	Mill Hall, borough, Clinton County	Fishing Creek	Approximately 230 feet upstream of CONRAIL	*576	*577
			Upstream of Church Street	*581	*584
			Upstream corporate limits	*596	*595
Maps available for inspection at the Mill Hall Borough Council Room, 215 Beech Creek Avenue, Mill Hall, Pennsylvania. Send comments to Honorable Vincent Shay, Mayor of Mill Hall, 224 South Chestnut Street, Mill Hall, Pennsylvania 17751.					
Texas	Converse, city, Bexar County	West Salitrillo Creek	At corporate limits with City of San Antonio	None	*635
		East Salitrillo Creek	At corporate limits with City of San Antonio	None	*629
			Downstream FM 3375	*694	*693
			Approximately 8,650 feet upstream of FM 3375	*742	*734

PROPOSED MODIFIED BASE FLOOD ELEVATIONS—Continued

State	City, town and county	Source of flooding	Location	# Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
	Maps available for inspection at the City Hall, Converse, Texas.				
	Send comments to Honorable Harry Bauman, Mayor of Converse, City Hall, P.O. Box 36, Converse, Texas 78109-0036.				
Texas	DeSoto, city, Dallas County	Tenmile Creek	Approximately 1,000 feet upstream of Beckley Avenue	*534	*533
	Maps available for inspection at the City Hall, 119 South Hampton Street, DeSoto, Texas.				
	Send comments to Honorable Ernest Roberts, Mayor of DeSoto, P.O. Box 550, DeSoto, Texas 75115.				
Texas	Garland, city, Dallas County	Stream 2C1	Upstream of Fontage Road	*464	*463
			Downstream of Rowlett Road	*473	*472
			Upstream of Rowlett Road	*477	*476
	Maps available for inspection at the City Hall, 200 North Fifth Street, Garland, Texas.				
	Send comments to Honorable Ruth Nicholson, Mayor of Garland, P.O. Box 469002, Garland, Texas 75046-9002.				
Texas	Lancaster, city, Dallas County	Tenmile Creek	Upstream corporate limits	*528	*529
		Stream 3A6	Approximatley 1,290 feet upstream of Belt Line Road	*524	*526
	Maps available for inspection at the City Hall, Lancaster, Texas.				
	Send comments to Honorable Earl Sewell, Mayor of Lancaster, P.O. Box 548, Lancaster, Texas 75146.				
Vermont	Waitsfield, town, Washington County	Mill Brook	Approximately 80 feet upstream of State Route 17	*751	*752
			Upstream corporate limits located approximately 160 feet upstream of State Route 17.	*753	*756
	Maps available for inspection at the Town Clerk's Office, Waitsfield, Vermont.				
	Send comments to Honorable Hugh Campbell, Chairman of the Waitsfield Board of Selectmen, R.F.D. 1, Box 390, Waitsfield, Vermont 05673.				
Virginia	Norfolk, city	Chesapeake Bay	Shoreline of Lake Whitehurst at Manassas Court extended.	*9	*8.5
			Shoreline of Knitting Mill Creek at 46th Street extended.	*9	*8.5
			Shoreline of Branch of Little Creek at Sheppard Avenue extended.	*9	*8.5
			Shoreline of Lake Taylor at Interstate Route 64	*9	*8.5
			Shoreline of Broad Creek at U.S. Route 13 bridge	*9	*8.5
			Shoreline of Wayne Creek at Tidewater Drive bridge	*9	*8.5
			Shoreline of Lafayette River at Chesapeake Boulevard extended.	*9	*8.5
	Maps available for inspection at 1109 City Hall Building, Norfolk, Virginia.				
	Send comments to Honorable Vincent J. Thomas, Mayor of Norfolk, 1109 City Hall Building, Norfolk, Virginia 23501.				
Wisconsin	(C) Fort Atkinson, Jefferson County	Rock River	At the downstream corporate limits (approximately 11,900 feet, downstream of Robert Street).	*787	*784
			Upstream side of Robert Street Bridge	*788	*785
			At confluence of Bark River	*789	*786
			Upstream corporate limits (approximately 5,700 feet upstream of State Highway 106).	None	*788
		Bark River	At confluence with Rock River	*789	*786
	Maps available for inspection at the Building Inspector's Office, 101 North Main Street, Fort Atkinson, Wisconsin.				
	Send comments to Honorable Robert C. Martin, City Manager, City of Fort Atkinson, Municipal Building, 101 North Main Street, Fort Atkinson, Wisconsin 53538.				
Wisconsin	(V) Johnson Creek, Jefferson County	Johnson Creek	At furthest downstream corporate limit (approximately 0.6 mile downstream of Chicago and Northwestern Railroad Bridge).	*792	*790
			At furthest upstream corporate limit (approximately 0.7 mile upstream of Chicago and Northwestern Railroad Bridge.	*792	*792
	Maps available for inspection at the Village Hall, 110 Milwaukee Street, Johnson Creek, Wisconsin.				
	Send comments to Honorable Francis Orval, Village President, Village of Johnson Creek, P.O. Box 304, Johnson Creek, Wisconsin 53038.				

[1] Not previously determined.

The proposed base flood elevations for selected locations are:

PROPOSED BASE FLOOD ELEVATIONS

State	City, town, and county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
California	Arroyo Grande (city), San Luis Obispo County	Arroyo Grande Creek	50 feet upstream of Traffic Way	*96
		Carpenter Canyon Creek	180 feet upstream from confluence with Corbit Canyon Creek.	*160
		Corbit Canyon Creek	50 feet upstream from center of Printz Road	*143
		Los Berros Creek	50 feet upstream from center of Valley Road	*66
		Meadow Creek	25 feet upstream from center of James Way	*64
		North Fork Los Berros Creek	250 feet south-southeast from center of intersection of south bound U.S. Highway 101 and Traffic Way.	*110

PROPOSED BASE FLOOD ELEVATIONS—Continued

State	City, town, and county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Maps available for inspection at the Department of Public Works, 214 E. Branch St., Arroyo Grande, California. Send comments to the Honorable B'Ann Smith, P.O. Box 550, Arroyo Grande, California 93420.				
California	Grover City (city), San Luis Obispo County	Meadow Creek	150 feet upstream from the center of North 12th Street.	*38
		Pacific Ocean	600 Feet West from the center of the intersection of Grand Avenue and Le Sage Drive.	*10
Maps available for inspection at the Department of County Development, 154 South Eighth Street, Grover City, California. Send comments to the Honorable Juanita Qualls, P.O. Box 365, Grover City, California 93433.				
California	Pismo Beach (city), San Luis Obispo County	Pacific Ocean	At the confluence with Pismo Creek	*10
		Pismo Creek	75 feet upstream from the center of Southern Pacific Railroad.	*32
		Meadow Creek	50 feet upstream from the center of North 4th Street	*25
Maps available for inspection at the Planning Department, 1000 Bello Street, Pismo Beach California. Send comments to Honorable Bill Richardson, P.O. Box 3, Pismo Beach, California 93449.				
Illinois	(V) Fisher, Champaign County	Owl Creek	Just upstream of U.S. Highway 136	*702
			Just downstream of Hamilton Street	*716
Maps available for inspection at the Water Plant, Fisher, Illinois. Send comments to Honorable E. Gale Hoiser, Village President, Village Hall, 104-06 Front Street, Fisher, Illinois 61843.				
Illinois	(V) Hutsonville, Crawford County	Mill Creek	Mouth at Wabash River	*447
			About 475 feet upstream of West North Street	*452
		Hutson Creek	Within community	*447
		Wabash River	Within community	*447
		Mill Creek Tributary	Mouth at Mill Creek	*452
			At 0.35 mile above mouth	*473
Maps available for inspection at the Village Hall. Send comments to Honorable Wilburn B. Gray, Village President, Village of Hutsonville, P.O. Box 277, Hutsonville, Illinois 62433.				
Illinois	(V) Nebo, Pike County	Bay Creek	About 1,400 feet downstream of confluence of Spring Creek.	*479
			About 2,425 feet upstream of Pittsburgh Road	*483
		Spring Creek	At confluence with Bay Creek	*481
			About 2,900 upstream of Union Street	*485
Maps available for inspection at the Nebo Post Office, Nebo, Illinois. Send comments to Honorable Lowell Turnbeaugh, Mayor, Village of Nebo, Village Hall, Nebo, Illinois 62355.				
Illinois	(C) Sumner, Lawrence County	Muddy Creek	About 0.25 mile downstream of confluence of Shirley Creek.	*450
			About 0.36 mile upstream of Cedar Street	*455
		Shirley Creek	Mouth at Muddy Creek	*451
			About 0.22 mile upstream of State Highway 250	*454
Maps available for inspection at City Hall, Sumner, Illinois. Send comments to Honorable Floyd Karms, Mayor, City of Sumner, City Hall, Sumner, Illinois 62466.				
Iowa	(C) Coggon, Linn County	Buffalo Creek	About 2,300 feet downstream of Third Street	*895
			About 5,100 feet upstream of Illinois Central Golf Railroad.	*910
Maps available for inspection at City Hall, Coggon, Iowa. Send comments to Honorable Richard Andersen, Mayor, City of Coggon, City Hall, Coggon, Iowa 52208.				
Kansas	(C) Arkansas City, Cowley County	Arkansas River (River side of levee).	Just upstream of Atchison, Topeka and Santa Fe Railway.	*1,072
			Just upstream of U.S. Highway 77	*1,074
			Just downstream of U.S. Highway 166	*1,080
			About 2,900 feet upstream of Chestnut Avenue	*1,083
		Arkansas River (Land side of levee).	Just upstream of Atchison, Topeka and Santa Fe Railway.	*1,072
			Just upstream of U.S. Route 166	*1,078
			Just upstream of Chestnut Avenue	*1,080
			About 2,900 feet upstream of Chestnut Avenue	*1,081
		Walnut River (River side of levee)	About 2,100 feet downstream of Mill Canal	*1,069
			Just upstream of U.S. Highway 166	*1,073
			Just downstream of Kansas Avenue	*1,076
		Walnut River (Land side of levee)	About 2,100 feet downstream of confluence of Mill Canal.	*1,069
			Just downstream of U.S. Route 166	*1,072
			Just downstream of Chestnut Avenue	*1,073
			Just upstream of Kansas Avenue	*1,076
			About 3,430 feet upstream of Kansas Avenue	*1,077
		"C" Street Canal	Just upstream of U.S. Highway 77	*1,087
			Just downstream of Hickory Avenue	*1,101
			Just upstream of 8th Street	*1,108
			About 0.76 mile upstream of 8th Street (at upstream corporate limits).	*1,125
		North Creek	At downstream corporate limits	*1,083
			About 200 feet downstream of northern corporate limits.	*1,091

PROPOSED BASE FLOOD ELEVATIONS—Continued

State	City, town, and county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
	Maps available for inspection at City Hall, 1st and Central, Arkansas City, Kansas.			
	Send comments to Honorable Karl Smykil, Mayor, City of Arkansas City, City Hall, 1st and Central, Arkansas City, Kansas 67005.			
Kansas	(C) White Cloud Doniphan County	Missouri River	Within community	*855
	Maps available for inspection at the Golden Age Center, Main Street, White Cloud, Kansas.			
	Send comments to Honorable Virgil Cruse, Mayor, City of White Cloud, P.O. Box 63, White Cloud, Kansas 66094.			
Maryland	Queenstown, town, Queens Annes County	Chester River	Entire shoreline of Queenstown Creek and Little Queenstown Creek within community.	*7
		Eastern Bay	Entire shoreline of Wye River within community	*7
	Maps available for inspection at the Clerk's Office, Main Street, Queenstown, Maryland.			
	Send comments to Honorable Harry Rhodes, Chairman of the Board of Commssioners, P.O. Box 4, Queenstown, Maryland 21658.			
Maryland	Salisbury, city, Wicomico County	Tonytank Pond	Downstream corporate limits	*12
			Upstream corporate limits	*17
		Schumaker Pond	Entire reach within corporate limits	*25
		Beaverdam Creek	Backwater from Wicomico River confluence with Wicomico River to approximately 1,000 feet upstream of Snow Hill Road.	*8
			Downstream side of Beaverdam Drive	*9
			Downstream of Memorial Plaza	*12
			Downstream side of College Avenue	*20
		Beaglin Branch	Downstream side of North Park Drive	*26
			Most upstream corporate limits	*28
		Wicomico River	Entire reach within corporate limits	*6
		Johnson Pond	Entire reach within corporate limits	*14
		Owens Branch	Upstream of Fitzwater Street	*13
			Upstream of Mitchell Street	*15
			Upstream of West Isabella Street	*17
		Coty Cox Branch	Downstream of West Main Street	*13
			Upstream of Salisbury Parkway	*20
			Upstream of West Road	*22
			1,050 feet upstream of upstream corporate limits	*23
		Middle Neck Branch	At confluence with Johnson Pond	*14
			Upstream of Emerson Avenue	*20
			Upstream of CONRAIL bridge	*31
			Upstream of North Salisbury Boulevard	*31
			Upstream corporate limits	*31
		Brewington Branch	Downstream corporate limits	*19
			Upstream corporate limits	*31
		Leonard Pond Run	Downstream corporate limits	*14
			Upstream of Naylor Mill Road	*23
			Upstream corporate limits	*26
		Peggy Branch	Downstream corporate limits	*31
			Upstream corporate limits	*31
	Maps available for inspection at the Bureau of Inspection, Room 306, Government Office Building, Salisbury, Maryland.			
	Send comments to Honorable Patrick J. Fennell, Executive Secretary of the City of Salisbury, City/County Office Building, P.O. Box 791, Salisbury, Maryland 21801.			
Missouri	(C) Carterville, Jasper County	Mine Branch	About 2,050 feet downstream of Sharon Drive	*921
			About 200 feet upstream of Missouri Pacific Railroad (near U.S. Highway 66).	*962
		Ben's Branch	About 1,950 feet downstream of U.S. Highway 71 and 66.	*954
			Just upstream of County Highway AA	*994
	Maps available for inspection City Hall, 301 East Main, Carterville, Missouri.			
	Send comments to Honorable Wesley Bivens, Mayor, City of Carterville, City Hall, 301 East Main, Carterville, Missouri 64835.			
New York	Ellicott, town, Chautauqua County	Cassadaga Creek	Downstream corporate limits	*1,248
			Approximately 2,985 feet upstream of State Route 17	*1,249
	Maps available for inspection at the Town Hall, 215 Work Street, Falconer, New York.			
	Send comments to Honorable Frances Morgan, Town Supervisor of the Town of Ellicott, Town Hall, 215 Work Street, Falconer, New York 14733.			
New York	Friendship, town, Allegany County	Van Campen Creek	Downstream corporate limits	*1,371
			Upstream Private Road	*1,456
			Upstream Corbin Hill Road	*1,485
			Confluence with South Branch Van Campen and West Branch Van Campen Creek.	*1,499
		North Branch Van Campen Creek	Confluence with Van Campen Creek	*1,497
			Upstream CONRAIL	*1,532
			Approximately 1,315 feet upstream of CONRAIL	*1,557
		South Branch Van Campen Creek	Confluence with Van Campen Creek	*1,499
			Upstream State Route 275	*1,551
			Upstream Times Square Road	*1,590
			Upstream corporate limits	*1,606
		West Branch Van Campen Creek	Confluence with Van Campen Creek	*1,499
			Upstream State Route 275	*1,520
			Upstream Steenrod Road	*1,586
			Upstream Ruckles Road	*1,640
			Upstream corporate limits	*1,660

PROPOSED BASE FLOOD ELEVATIONS—Continued

State	City, town, and county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Maps available for inspection at the Town Hall, 50 West Main Street, Friendship, New York. Send comments to Honorable John E. Buzzard, Jr., Town Supervisor of Friendship, Town Hall, 50 West Main Street, Friendship, New York 14739.				
New York	Tivoli, village, Dutchess County	Hudson River	Downstream corporate limits	*9
			Upstream corporate limits	*9
		Stony Creek	Downstream corporate limits	*76
			Upstream of dam (near Mill Street)	*107
			Upstream corporate limits	*132
Maps available for inspection at the Village Hall, 48 Broadway, Tivoli, New York. Send comments to Honorable Edward Neese, Mayor of the Village of Tivoli, Village Hall, 48 Broadway, Tivoli, New York 12583.				
New York	Walden, village, Orange County	Wallkill River	Downsteam corporate limits	*270
			150 feet downstream of dam	*303
			Approximately 400 feet upstream of corporate limits	*332
Maps available for inspection at the Village Hall, Walden, New York. Send comments to Honorable Marcy Sperry, Mayor of the Village of Walden, Village Hall, 8 Scofield Street, Walden, New York 12586.				
Ohio	(C) Bellefontaine, Logan County	Blue Jacket Creek	Just upstream of Troy Street	*1,177
			Just downstream of Main Street	*1,203
			Just upstream of Main Street	*1,208
			Just downstream of Harding Street	*1,221
			Just upstream of Harding Street	*1,230
			Just downstream of Eastern Avenue	*1,280
		Possum Run	About 950 feet downstream of Niven Avenue	*1,175
			Just downstream of Conrail (about 250 feet downstream of Niven Avenue).	*1,175
			Just upstream of Conrail (about 250 feet downstream of Niven Avenue).	*1,181
			Just downstream of Troy Street	*1,184
			Just upstream of Troy Street	*1,190
			Just downstream of Elm Street	*1,213
		Blue Jacket Creek Tributary 1	Just upstream of Township Road 185	*1,275
			About 110 feet upstream of Township Road 185	*1,277
		Blue Jacket Creek Tributary 2	About 1,000 feet downstream of Heritage Drive	*1,245
			About 700 feet downstream of Heritage Drive	*1,246
		Wissahicken Creek	About 1,340 feet downstream of Private Drive	*1,176
			Just downstream of Private Drive	*1,189
Maps available for inspection at the Engineer's Department, City Hall, 135 N. Detroit Street, Bellefontaine, Ohio. Send comments to Honorable Richard J. Zicario, Mayor, City of Bellefontaine, City Hall, 135 N. Detroit Street, Bellefontaine, Ohio 43311.				
Ohio	(V) Proctorville, Lawrence County	Ohio River	Within the community	*555
Maps available for inspection at the Clerk Treasurer, Village Hall, P.O. Box 406, Proctorville, Ohio. Send comments to Honorable Chester Null, Mayor, Village of Proctorville, Village Hall, P.O. Box 406, Proctorville, Ohio 45669.				
Ohio	(C) Troy, Miami County	Great Miami River	Just upstream of Conrail	*821
			About 0.4 mile upstream of Hobart Arena Road	*832
		Great Miami River Bypass	At confluence with Great Miami River	*824
			At divergence from Great Miami River	*829
		Island No. 3 Tributary	About 0.71 mile downstream of Conrail	*819
			Just upstream of Peters Avenue	*832
			About 0.34 mile upstream of State Route 55	*863
		Staunton Tributary	Just upstream of State Route 55	*830
			About 1,100 feet upstream of Market Street	*837
Maps available for inspection at the Office of Public Service and Safety, City Hall, 100 S. Market Street, Troy, Ohio. Send comments to Honorable Douglas Campbell, Mayor, City of Troy, City Hall, 100 S. Market Street, Troy, Ohio 45373.				
Oregon	Bandon (city), Coos County	Pacific Ocean	Intersection of U.S. Highway 101 (Pacific Coast Highway) and Fillmore Avenue along Coquille River.	*12
			Intersection of Johnson Creek and Beach Loop Road	*29
Maps available for inspection at City Manager's Office, 555 Highway 101, Bandon, Oregon. Send comments to Honorable Ray Kelly, P.O. Box 67, Bandon, Oregon 97411.				
Oregon	Burns (city), Harney County	Silvies River	At the intersection of South Broadway Avenue and West Monroe Street.	*4,152
		Drainage D	At the intersection of West Pierce Street and U.S. Highway 20/395.	#1
		Drainage D (Ponding Area)	At the intersection of South Liberty Avenue and West Pierce Street.	*4,145
		Drainage E-1	90 feet downstream from center of West Monroe Street.	*4,175
		Drainage E-2	400 feet upstream from confluence with Drainage E-1	*4,168
		Drainage F	1,175 feet upstream from the center of Miller Canyon Road.	*4,195
Maps available for inspection at the City Hall, 242 S. Broadway, Burns, Oregon. Send comments to Honorable Patrick Farley, 242 S. Broadway, Burns, Oregon.				
Oregon	Burnes-Paiute Indian Reservation, Harney County	Silvies River	At the intersection of Old Radar Road and Cemetary Trail.	*4,166
		Drainage F	At the intersection of Drainage and center of Miller Canyon Road.	*4,185

PROPOSED BASE FLOOD ELEVATIONS—Continued

State	City, town, and county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Maps available for inspection at Burnes-Paiute Indian Reservation Travel Office, 28 Pi-sa-go, Burns, Oregon. Send comments to Honorable Minerva Soucie, P.O. Box 71, Burns, Oregon 97720.				
Oregon	Chiloquin (city), Klamath County	Williamson River	At the intersection of Baker Avenue and Yahooskin Street.	*4,177
Maps available for inspection at City Hall, Chiloquin, Oregon. Send comments to Honorable Lauren Campbell, P.O. Box 196, Chiloquin, Oregon 97624.				
Oregon	Coos Bay (city), Coos County	Coos Bay	At the intersection of Newmark Avenue and Mill Street	*8
			At the intersection of Pine Avenue and U.S. Highway 101.	*9
		Pony Creek	50 feet downstream of center of Ocean Boulevard	*16
Maps available for inspection at the Planning Department, 500 Central, Coos Bay, Oregon. Send comments to Honorable Chuck Colbert, 500 Central, Coos Bay, Oregon 97420.				
Oregon	Eastside (city), Coos County	Coos Bay	At the intersection of Coos River Highway and Ross Slough Road.	*9
Maps available at City Hall, 365 D Street, Eastside, Oregon. Send comments to Honorable Marvin Sperry, P.O. Box 4325, Eastside, Oregon 97420.				
Oregon	Harney County (unincorporated areas)	Silvies River	At the intersection of Harney Road and Foley Drive	*4,163
		Drainages B, C, and D (Ponding Area).	100 feet West from the intersection of the Oregon and Northwestern Railroad and the Union Pacific Railroad.	*4,145
		Drainage D	900 feet Northwest along Roosevelt Avenue West from the intersection of Saginaw Avenue North and Roosevelt Avenue West, North of the City of Hines corporate limits.	#1
		Drainage E-1	2,650 feet upstream from the center of West Monroe Street (Intersection of Drainage and City of Burns Corporate Limits).	*4,219
Maps available for inspection at Agriculture Soil Conservation Service Department, 450 N. Buenavista, Burns, Oregon. Send comments to Honorable Dale White, 450 N. Buenavista, Burns, Oregon 97720.				
Oregon	Hines (city), Harney County	Drainages B, C, and D (Ponding Area).	At the intersection of Commercial Avenue and Pettibone Avenue East.	*4,145
		Drainage D	At the intersection of U.S. Highway 20/395 and Jamison Avenue West.	#1
Maps available for inspection at the Recorder's Office, Highway 20 and East Barnes, Hines, Oregon. Send comments to the Honorable Charles I. Walker, P.O. Box 336, Hines, Oregon 97738.				
Oregon	Lakeside (city), (Coos County)	Tenmile Creek	At the intersection of Creek and Hill Top Drive	*20
		Tenmile Lake	At the intersection of S. 11th Street and Park Avenue	*20
Maps available for inspection at City Hall, 120 N. 9th, Lakeside, Oregon. Send comments to Honorable Van Schoyck, P.O. Box L, Lakeside, Oregon 97449.				
Oregon	North Bend (city), (Coos County)	Pony Creek	100 feet upstream of center of Newmark Avenue	*5
		Coos Bay	At the intersection of Cape Arago Highway No. 240 and Harbor Avenue.	*9
Maps available for inspection at City Engineer's Office, California and Union Streets, North Bend, Oregon. Send comments to Honorable Bill Smith, P.O. Box B, North Bend, Oregon 97459.				
Oregon	Scio (city), Linn County	Thomas Creek	At the center of North Main Street	*313
		Shallow Flooding	At the center of intersection of North Fourth Ave. and North Cherry Street.	#1
		Peters Ditch	At the center of intersection of South Six Avenue and South Alder Street.	*312
Maps available for inspection at City Hall, 38759 NW 1st, Scio, Oregon. Send comments to Honorable Wanita Haugen, P.O. Box 37, Scio, Oregon 97374.				
Oregon	Stanfield (city), Umatila County	Umatilla River	Intersection of Umatilla Street and Johnson Street	*591
		Stage Gulch	Intersection of N.E. Wayne Street and East COE Avenue.	*595
Maps available for inspection at City Hall, 105 Westwood, Stanfield, Oregon. Send comments to the Honorable John Perkins, P.O. Box 368, Stanfield, Oregon 97875.				
South Carolina	Unincorporated areas of Spartanburg County	Beaverdam Creek	Approximately 130 feet upstream of Secondary Road 88.	*591
		Cherokee Creek	Approximately 140 feet upstream of Clinchfield Railroad.	*691
			Just downstream of Secondary Road 180 (Green River Road).	*733
			Just downstream of U.S. Highway 221	*768
		Chinquepin Creek	Approximately 100 feet downstream of U.S. Highway 221.	*719
		Fairforest Creek	Approximately 250 feet upstream of State Highway 56	*575
			Just downstream of Burke Street	*647
			Approximately 100 feet downstream of Old Greenville Highway.	*680
		Fawn Branch	Just upstream of County Road 348	*790

PROPOSED BASE FLOOD ELEVATIONS—Continued

State	City, town, and county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
		Ferguson Creek	Approximately 100 feet downstream of Secondary Road 200.	*553
			Just upstream of Secondary Road 454	*573
		Foster Creek	Approximately 70 feet downstream of Secondary Road 651.	*593
		Greys Creek	Approximately 140 feet downstream of Secondary Road 317.	*696
			Just upstream of Southern Railway	*726
		Halfway Branch	Approximately 200 feet upstream of Cart Drive	*669
		Holston Creek	Approximately 150 feet downstream of the northern City of Spartanburg corporate limits.	*695
		Lawson Fork Creek North	Approximately 150 feet downstream of Clinchfield Railroad.	*688
			Approximately 150 feet upstream of Interstate Highway 85 southbound access road.	*723
			Approximately 350 feet upstream of Old boiling Springs Road.	*735
			Just upstream of Belcher Road	*785
		Lawson Fork Creek South	Approximately 100 feet downstream of Secondary Road 108.	*544
		Little Chinquepin Creek	Approximately 65 feet upstream of Wood Street	*739
			Approximately 80 feet downstream of Centennial Street.	*751
		Maple Creek	Just upstream of Harvey Road	*872
		Middle Tyger River	Approximately 150 feet downstream of Secondary Road 591.	*653
		North Tyger River	Approximately 100 feet downstream of Secondary Road 64.	*620
			Approximately 100 feet upstream of Secondary Road 64.	*630
			Approximately 120 feet upstream of State Highway 296 (Reidville Road).	*662
		Reedy Creek	Just upstream of Secondary Road 590 (Canaan Road)	*597
		Shoally Creek	Approximately 60 feet downstream of County Road 43 (Paris Bridge Road).	*763
			Approximately 80 feet upstream of County Road 775 (Shoally Creek Road).	*784
		South Tyger River (North)	Approximately 500 feet downstream of Interstate Highway 85.	*725
			Approximately 220 feet upstream of Secondary Road 62.	*739
			Approximately 250 feet downstream of State Highway 290.	*748
		South Tyger River (South)	Approximately 160 feet downstream of Interstate 26	*542
			Approximately 320 feet upstream of County Road 230	*547
		Standing Stone Branch	Just downstream of Valley Falls Road	*763
			Just upstream of Secondary Road 79	*790
		Williams Branch	Approximately 100 feet downstream of the City of Spartanburg corporate limits.	*692

Maps available for inspection at Spartanburg County Human Resources Center, Planning and Development Office, 142 South Dean Street, Spartanburg, South Carolina 29304.

Send comments to Mr. Kenneth Westmoreland, County Administrator, P.O. Box 5666 or Mr. Emory Price, Director, Planning and Development Commission, Sparatanburg County Human Resources Center, 142 South Dean Street, Spartanburg, South Carolina 29304.

Texas	City of Cut and Shoot, Montgomery County	Crystal Creek	Just upstream of State Highway 105	*179
		Crystal Creek Tributary No. 3	Approximately 200 feet downstream of Conroe-By Spot Road.	*184
		West Fork of Crystal Creek	Approximately 300 feet upstream of State Highway 105.	*197
		Caney Creek	Approximately 400 feet upstream of State Highway 105.	*175

Maps available for inspection at the home of Mayor Raymond Rushing, corner of Rolling Hills Road and Old Rt. 105, Cut and Shoot, Texas 77303.

Send comments to Mayor Raymond Rushing or Ms. Ann Wade, City Secretary, P.O. Box 7364, Cut and Shoot, Texas 77303.

Texas	Unincorporated areas of Montgomery County	West Fork of San Jacinto River	Approximately 1,100 feet downstream of Missouri Pacific Railroad.	*124
			Approximately 1,120 feet upstream of FM 2854	*149
		Woodsons Gully	Approximately 550 feet upstream of Riley Fussel Road	*103
		White Oak Creek-West	Approximately 120 feet upstream of Piney Point Drive	*117
		White Oak West Tributary No. 1	Approximately 550 feet downstream of Long Leaf Drive.	*112
		Crystal Creek	Approximately 300 feet upstream of Exxon Road	*128
			Just upstream of Whipporwill Road	*200
			Just downstream of Dam (approximately 3,780 feet downstream of Powell Street).	*321
			Just upstream of Dam (approximately 3,780 feet downstream of Powell Street.	*327
		Crystal Creek Tributary No. 1	Approximately 120 feet upstream of Humble Road (downstream crossing).	*146
		West Fork of Crystal Creek	Approximately 250 feet upstream of Rocky Road	*156
			Approximately 300 feet upstream of State Highway 105.	*197
		Crystal Creek Tributary No. 2	Approximately 300 feet upstream of Dam (approximately 800 feet above mouth).	*173
			Just upstreram of Deep Forest Drive	*176
		Crystal Creek Tributary No. 3	Just downstream of State Highway 105	*181

PROPOSED BASE FLOOD ELEVATIONS—Continued

State	City, town, and county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
		Crystal Creek Tributary No. 4	Aproximately 250 feet upstream of Oak Leaf Road	*201
		Crystal Creek Tributary No. 5	Just upstream of Long Leaf Road	*206
		Carters Slough	Just upstreram of White Birch Drive	*123
		Sandy Branch	Approximately 80 feet upstream of Stidham Road	*130
		Gleneagles Diversion Ditch	Approximately 1,800 feet upstream of Shallow Lane	*117
		Little Caney Creek	Approximately 350 feet upstream of Stidham Road	*126
			Just upstream of Porter Highway (FM 1314)	*151
		Stewarts Creek	Just upstream of Crighton Road	*132
			Just upstream of Avenue F	*175
			Approximately 450 feet downstream of Dam (Approximately 2,800 feet downstream of U.S. Highway 75).	*241
			Just upstream of Dam (Approximately 2,800 feet downstream of U.S. Highway 75).	*256
		Stewarts Creek Tributary No. 1	Approximately 250 feet downstream of Missouri Pacific Railroad.	*211
			Approximately 1,750 feet upstream of Missouri Pacific Railroad.	*222
		Grand Lake Creek	Approximately 100 feet upstream of North Rivershire Drive.	*158
		Alligator Creek	Approximately 300 feet downstream of Old Montgomery Road.	*168
		White Oak Creek—North	Approximately 330 feet upstream of Old State Highway 105.	*158
		Egypt Creek	Approximately 110 feet upstream of Old State Highway 105.	*179
		Sand Branch	Approximately 100 feet upstream of West Creek Drive	*175
		Base Creek	Approximately 100 feet downstream of Old State Highway 105.	*172
			Approximately 400 feet upstream of Dam (Approximately 400 feet upstream of old State Highway 105).	*197
		Bens Branch	Just downstream of Sorter's Road	*84
		Bens Branch Tributary No.1	Approximately 470 feet upstream of Martin Drive	*86
			Approximately 600 feet upstream of Ford Road	*97
		Caney Creek	Just upstream of FM 1485 (East River Road)	*77
			Just downstream of Atchison Topeka and Santa Fe Railway.	*169
			Just downstream of Royal Bridge Road	*219
		Caney Creek Tributary No. 1	Just upstream of FM 1485 (East River Road)	*91
		Dry Creek	Approximately 580 feet upstream of FM 1485	*99
			Just upstream of FM 3083	*154
		Spring Branch	Just upstream of Walker Drive	*118
			Just upstream of Old State Highway 105	*172
		West Fork of Spring Branch	Approximately 230 feet upstream of Old State Highway 105.	*177
			Just upstream of Weaver Lane	*255
		McRae Creek	Approximately 100 feet upstream of FM 1484	*225
			Approximately 150 feet upstream of Tanyard Road	*309
		Camp Creek	Just upstream of RM 1884	*218
			Just upstream of Zapata Way	*254
			Approximately 300 feet downstream of Missouri Pacific Railroad.	*320
			Approximately 1,000 feet upstream of Missouri Pacific Railroad.	*337
		Caney Creek Tributary No. 2	Approximately 130 feet downstream of FM 1484	*212
			Approximately 500 feet upstream of Dam (Approximately 400 feet upstream of FM 1484).	*225
		Little Caney Creek No. 2	Just downstream of Willis Mt. Zion Road	*258
		Caney Creek Tributary No. 3	Just upstream of Mount Zion Road	*262
		Peach Creek	Approximately 200 feet downstream of FM 1485 (East River Road).	*78
			Just upstream of Holly Road	*111
			Approximately 400 feet upstream of Walker Road	*194
			Just upstream of Willis-Coldspring Road	*267
		Peach Creek Tributary No. 1	Just upstream of Dale Avenue	*100
		Waterhole Branch	Just upstream of Unnamed Road (Approximately 3,150 feet above mouth).	*103
		Gully Branch	Approximately 200 feet upstream of Lakeshore Drive (Downstream Crossing).	*106
		Peach Creek Tributary No. 2	Just upstream of Morgan Drive	*111
		Hightower Branch	Approximately 300 feet upstream of McShan Road	*128
		Jayhawker Creek	Just upstream of Atchison Topeka and Santa Fe Railway.	*138
		Bee Branch	Approximately 700 feet upstream of Fostoria Road	*144
		Lawrence Creek	Approximately 150 feet upstream of State Highway 105.	*154
		Duck Creek	Approximately 650 feet upstream of Duck Road	*171
		Peach Creek Tributary No. 3	Approximately 950 feet above mouth	*281
			Just upstream of unnamed Road (Approximately 10,180 feet above mouth).	*329
		Spring Creek	Just upstream of Riley Fussel Road	*98
			Approximately 600 feet upstream of Hufsmith-Conroe Road (FM 2978).	*151
			Approximately 450 feet upstream of Cypress-Rosehill Road.	*176
		Sam Bell Gully Diversion Channel	Approximately 900 feet downstream of Missouri Pacific Railroad.	*114
			Approximately 150 feet upstream of Basswood Drive	*120

PROPOSED BASE FLOOD ELEVATIONS—Continued

State	City, town, and county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
		Tributary to Sam Bell Gully Diversion Channel.	Just upstream of Robinson Road	*117
		Sam Bell Gully	Approximately 150 feet upstream of Maplewood Road	*123
		Panther Branch	Approximately 600 feet upstream of MacDonald Road	*121
			Approximately 100 feet upstream of FM 1488	*167
		Panther Branch Tributary No. 1	Approximately 3,800 feet above mouth	*114
		Bear Branch	Approximately 150 feet upstream of FM 2978	*184
			Just upstream of FM 1488	*204
		Panther Branch Tributary No. 2	Approximately 150 feet downstream of FM 1488	*191
		Dry Creek No. 2	Just downstream of Dry Creek Drive	*142
			Just upstream of Dobbin-Huffsmith Road	*211
		Dry Creek No. 2 Tributary No. 1	Just downstream of Glenda Drive	*211
		Mill Creek	Just upstream of Hardin Store Road	*160
			Approximately 700 feet upstream of FM 149	*181
			Approximately 700 feet upstream of FM 1486	*235
		Decker Branch	Approximately 350 feet upstream of Hardin Store Road.	*160
			Just upstream of Rolling Wood Street	*193
		Goodson Branch	Approximately 2,300 feet upstream from Dam (Approximately 2,550 feet above mouth).	*196
		Decker Branch Tributary No. 1	Approximately 420 feet upstream of Coe Road	*196
		Mill Creek Triburary No. 1	Approximately 280 feet upstream of Little Thorn Lane	*194
			Approximately 240 feet upstream of Gossamer Lane	*207
		Mill Creek Tributary No. 2	Just upstream of Little Thorn Lane	*201
			Approximately 80 feet upstream of Sunflower Lane	*220
		Mill Creek Tributary No. 3	Just upstream of Cole Valley Drive	*213
		Mill Creek Tributary No. 4	Approximately 1,150 feet above mouth	*197
		Mill Creek Tributary No. 5	Approximately 130 feet upstream of FM 1486	*246
		Walnut Creek	Approximately 150 feet downstream of Hunters Grove Road.	*176
			Approximately 160 feet downstream of Nichols Sawmill Road.	*197
		Sulphur Branch	Just upstream of Green Oak	*219
			Approximately 120 feet downstream of FM 1774	*254
		Walnut Creek Tributary No. 1	Approximately 100 feet upstream of Butera Road	*186
		Mink Branch	Approximately 450 feet downstream of Nichols Sawmill Road.	*204
		Arnold Branch	Approximately 80 feet upstream of Nichols Sawmill Road.	*221
			Approximately 250 feet upstream of FM 1488	*244
		Log Gully	Approximately 200 feet upstream of Alford Road	*228
			Approximately 100 feet downstream of Lake Shore Drive.	*238
			Just upstream of Lake Shore Drive	*244
		Brushy Creek	Approximately 300 feet upstream of Nichols Sawmill Road.	*198
		Threemile Creek	Approximately 1,300 feet above mouth	*208
		Mills Branch	Approximately 1,060 feet downstream of Hamblen Road.	*72
		East Fork San Jacinto River	Just upstream of East River Road (FM 1485)	*71
		Church House Gully	Just downstream of McGager Drive	*79
		Orton Gully	Just downstream of McGinnis Monday Drive	*74
		Live Branch	Approximately 70 feet upstream of State Highway 830	*210
			Just upstream of Anderson Road	*239
		Bell Creek	Approximately 250 feet upstream of State Highway 830.	*211
		Lewis Creek	Approximately 350 feet downstream of Back Toe of Dam.	*212
		Weirs Creek	Just downstream of Calvert Road	*220
			Approximately 150 feet upstream of Interstate Highway 45.	*273
		Chambers Creek	Approximately 1,900 feet above mouth	*216
		Shepard Branch	Approximately 350 feet upstream of Shepard Hill Road	*250
		Weirs Creek Tributary No. 1	Approximately 150 feet upstream of U.S. Highway 75	*280
		Hosstetter Creek	Approximately 350 feet upstream of Wruff Wruff Road	*209
		Gum Branch	Approximately 80 feet upstream of Old Fire Trail	*204
		Rush Creek	Just downstream of Dam (Approximately 1,300 feet downstream of Comanche Road).	*210
			Just downstream of Comanche Road	*220
		Rush Creek Tributary No. 1	Approximately 100 feet downstream of Tejas Road	*211
		Rush Creek Tributary No. 2	Approximately 160 feet downstream of Dam (Approximately 850 feet upstream of Comanche Road).	*216
			Approximately 100 feet downstream of Cheyenne Road.	*249
		Martin Creek	Approximately 130 feet downstream of Roman Hill Boulevard.	*225
			Approximately 470 feet upstream of Roman Hill Boulevard.	*237
		Stewart Creek North	Approximately 450 feet upstream of Walden Road	*209
			Just downstream of FM 149	*267
		Atkins Creek	Approximately 200 feet upstream of FM 1097	*236
		Town Creek	Approximately 350 feet upstream of Clepper Road	*224
			Approximately 400 feet upstream of FM 149	*242
		Town Creek Tributary No. 1	Just upstream of Bethel Road	*249
			Just upstream of FM 1097	*273
		Town Creek Tributary No. 2	Approximately 100 feet downstream of State Highway 105.	*265
		Carwile Creek	Approximately 1,000 feet above mouth	*252

PROPOSED BASE FLOOD ELEVATIONS—Continued

State	City, town, and county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
		Lake Creek	Just upstream of Honea-Egypt Road	*150
			Just upstream of FM 149	*186
			Approximately 600 feet upstream of Dacus Road	*230
		Fish Creek	Approximately 200 feet downstream of Atchison, Topeka and Santa Fe Railway.	*228
			Approximately 500 feet upstream of Dam (Approximately 300 feet upstream of FM 2854).	*239
		Mound Creek	Approximately 350 feet upstream of Honea-Egypt Road.	*180
			Approximately 240 feet upstream of FM 2854 (upstream crossing).	*248
		Deer Lake Branch	Approximately 150 feet downstream of Buckridge Road.	*201
			Just upstream of Buckridge Road	*211
		Mound Creek Tributary No. 1	Just downstream of Dam (Approximately 4,500 feet above mouth).	*230
			Approximately 170 feet downstream of Stinson Lane	*247
		Lake Creek Tributary No. 1	Approximately 140 feet upstream of Pin Oak Road	*164
		Lake Creek Tributary No. 2	Approximately 100 feet upstream of Boars Head Road	*155
		Lake Creek Tributary No. 3	Just downstream of Dam (Approximately 22,200 feet above mouth).	*249
			Just upstream of Dam (Approximately 22,200 feet above mouth).	*255
		Landrum Creek	Approximately 100 feet upstream of Spring Branch Road.	*207
		Spring Branch No. 2	Just upstream of Spring Branch Road	*269
			Approximately 70 feet upstream of FM 149	*283
		Lake Creek Tributary No. 4	Approximately 470 feet upstream of Jackson Road	*202
			Just upstream of FM 1486	*239
		Lake Creek Tributary No. 5	Approximately 140 feet downstream of Tri-Lake Road	*253
			Approximately 250 feet upstream of Tri-Lake Road	*265
		Caney Creek No. 2	Approximately 1,000 feet upstream of FM 1486	*213
			Approximately 600 feet upstream of Old State Highway 105.	*220
		Lake Creek Tributary No. 6	Just upstream of State Highway 105	*228
		Lake Creek Tributary No. 7	Approximately 170 feet upstream of FM 1486	*221
			Approximately 170 feet downstream of Mount Mariah Road.	*240
			Approximately 70 feet upstream of Mount Mariah Road.	*247
		Little Caney Creek No. 3	Approximately 200 feet upstream of FM 1486	*218
		Kidhaw Branch	Approximately 120 feet upstream of FM 149	*313
		Little Lake Creek	Approximately 350 feet upstream of FM 149	*221
		Little Lake Tributary No. 1	Just upstream of Big Oak Drive	*213
		Little Lake Creek Tributary No.2	Just upstream of Blue Water Road	*220
			Just upstream of Forest Woods Lane	*226
		Little Lake Creek Tributary No. 3	Approximately 1,300 feet above mouth	*215
		Little Lake Creek Tributary No. 4	Approximately 170 feet upstream of FM 149	*234
		Little Lake Creek Tributary No. 5	Approximately 500 feet Upstream of Bailey Grove Road.	*231
		Pole Creek	Approximately 1,000 feet above mouth	*240
		Sand Branch No. 2	Approximately 160 feet above Unimproved Road (Approximately 4,100 feet above mouth).	*260
		Caney Creek North	Approximately 760 feet above FM 1375	*236
			Approximately 600 feet above FM 1791	*277
		Kelley Branch	Approximately 70 feet upstream of Osborn Road	*251
		Green Branch	Approximately 270 feet upstream of FM 1375	*249
		Caney Creek North Tributary No. 1	Approximately 760 feet above mouth	*240
		Anthony Branch	Approximately 200 feet downstream of FM 149	*298
		Caney Creek North Tributary No. 2	Approximately 230 feet upstream of FM 1791	*301
		Caney Creek North Tributary No. 3	Approximately 1,000 feet above mouth	*265
		Bay Branch	Just upstream of FM 1791	*278
			Approximately 200 feet downstream of FM 149	*315
	Maps available for inspection at the County Clerk's Office, County Courthouse, Main and Davis Streets, Conroe, Texas 77301. Send comments to Mr. Jimmy Edward, County Judge or Ms. Nancy Mayes, Judges Assistant, County Courthouse, Suite 215, Conroe, Texas 77301.			
Texas	City of Oak Ridge North, Montgomery County	Sam Bell Gully	Just downstream of Ridgewood Road	*130
			Just upstream of Robinson Road	*133
	Maps available for inspection at City Serectary's Office, City Hall, 27506 Interstate 45, Oak Ridge North, Texas 77380. Send comments to Mayor Fred Wagner or Councilman Tom Coale, City Hall, P.O. Box 7215, The Woodlands, Texas 77380.			
Texas	City of Panorama Villiage, Montgomery County	Stewarts Creek	Approximately 250 feet downstream of Farm Road 830.	*277
		White Oak Creek North	Approximately 200 feet upstream of League Line Road	*254
	Maps available for inspection at City Serectary's Office, City Hall, 98 Hiwon Drive, Panorama Village, Texas 77304. Send comments to Mayor Don Branham or Mr. Fred E. Murray, Building Inspector, City Hall, 98 Hiwon Drive, Conroe, Texas 77304.			
Texas	City of Patton Village, Montgomery County	Peach Creek	Just downstream of Southern Pacific Railroad	*96
		Peach Creek Tributary No. 1	Just downstream of Short Street (extented)	*96
	Maps available for inspection at City Hall, Patton Village, Texas 77372. Send comments to Mayor Wilson Holder or Mr. Glen McDonald, Police Chief, City Hall, P.O. Box 437, Splendora, Texas 77372.			
Texas	City of Roman Forest, Montgomery County	Peach Creek	Just upstream of Roman Forest Boulevard	*86
		Peach Creek Tributary No. 1	Approximately 400 feet west of the intersection of Michelangelo Drive and Catacombs Drive.	*94

PROPOSED BASE FLOOD ELEVATIONS—Continued

State	City, town, and county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
		East Fork of San Jacinto River	Approximately 2,250 feet downstream of Roman Forest Boulevard.	*85
Maps available for inspection at City Hall, 1603 Roman Forest Boulevard, Roman Forest, Texas 77367.				
Send comments to Mayor Marie Coose or Judge Morris Maxey, Municipal Judge, City Hall, P.O. Box 397, New Caney, Texas 77367.				
Texas	City of Splendora, Montgomery County	Peach Creek	Approximately 900 feet upstream of FM 2,090	*107
Maps available for inspection at City Library, City Hall, Splendora, Texas 77372.				
Send comments to Mayor Jack Lucas or Ms. Peggy Davis, City Secretary, City Hall, P.O. Drawor C, Spendora, Texas 77372.				
Texas	City of Willis, Montgomery County	Crystal Creek	Approximately 80 feet upstream of Montgomery Street	*358
Maps available for inspection at City Secretary's Office, City Hall, 200 North Bell Street, Willis, Texas 77378.				
Send comments to Mayor Carl Kleimann or Ms. Janice Wilson, City Secretary, City Hall, P.O. Box 436, Willis, Texas 77378.				
Vermont	Berlin, town, Washington County	Winooski River	Downstream corporate limits	*511
			Upstream of Three Mile Bridge Road	*514
			Upstream of Central Vermont Railway	*518
			Confluence of Stephens Branch	*547
			Upstream of Green Mountain Power Dam No. 4	*619
			Upstream corporate limits	*631
		Dog River	Confluence with Winooski River	*520
			Upstream of State Route 12 downstream crossing	*528
			Upstream of Browns Mill Road	*539
			Upstream of Central Vermont Railway, downstream crossing.	*548
			At Town Road	*557
			At 4th crossing of Central Vermont Railway	*578
			Upstream of 2nd crossing of State Route 12	*584
			Upstream of Lovers Lane	*612
			Upstream corporate limits	*625
		Stephens Branch	Downstream corporate limits	*547
			Upstream of U.S. Route 302	*558
			Upstream corporate limits	*565
Maps available for inspection at the Town Clerk's Office, Town Hall, Berlin, Vermont.				
Send comments to Honorable Roderick Towne, Chairman of the Board of Selectmen, R.F.D. 2, Montpelier, Vermont 05602.				
Vermont	Castleton, town, Ruthland County	Castleton River	Downstream corporate limits	*371
			Upstream of Blissville Road	*373
			Approximately 200 feet upstream of State Route 30	*383
			Upstream of State Route 4A	*393
			Upstream of North Road	*415
			Confluence of North Breton Brook	*424
			Upstream of Crampton Road	*440
			Upstream of Birdseye Road	*469
			Upstream corporate limits	*470
		North Breton Brook	Confluence with Castleton River	*424
			Downstream of East Hubbardton Road, second crossing.	*453
Maps available for inspection at the Town Clerk's Office, Castleton, Vermont.				
Send comments to Honorable Gerald J. Eaga, Town Supervisor of Castleton, 285 North Road, Castleton, Vermont 05735.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: November 16, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support

[FR Doc. 83-32147 Filed 12-2-83; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CC Docket No. 81-343; FCC 83-515]

Inquiry Into Policies To Be Followed in the Authorization of Common Carrier Facilities To Meet Pacific Telecommunications Needs During the Period 1981–1985

AGENCY: Federal Communications Commission.

ACTION: Notice of Inquiry.

SUMMARY: The Notice of Inquiry initiates the second phase (1987–1995) of the comprehensive facilities planning process concerning Pacific Region Telecommunications Needs during the period 1981–1995 for both cable and satellite facilities. The first phase of this proceeding, concluded in 1982, covered facilities for 1982–1986. This action is taken in response to requests by the U.S. International Service Carriers who support the prompt initiation of the second phase of this process.

DATES: Comments are due by January 4, 1984 and replies by January 19, 1984.

ADDRESS: Send comments to: FCC, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Margot F. Bester, International Facilities Planning Division, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554 (202) 632–4047.

Notice of Inquiry

In the matter of inquiry into Policies to be Followed in the Authorization of Common Carrier Facilities to meet Pacific Telecommunications Needs During the Period 1981–1995; CC Docket No. 81–343; FCC 83–515.

Adopted November 8, 1983.
Released November 21, 1983.

By the Commission: Commissioner Rivera absent.

1. This Notice of Inquiry initiates the second phase (phase II) of the comprehensive facilities planning process in the Pacific Ocean Region (POR) for the period of 1981 through 1995. During phase II of this proceeding, we shall develop policies and guidelines for the construction and use of cable and satellite facilities in the POR during 1987–1995. The first phase (phase I) of this planning process focused on facilities needs in the POR for the 1982–1986 period and was concluded in December 1982.[1] This notice will summarize the phase I orders, describe the recent developments since the conclusion of phase I, and identify the issues to be considered in phase II of this proceeding.

I. Background: The Phase I Orders

2. On June 1, 1981, we adopted a Notice of Inquiry [2] which initiated a comprehensive planning process in the POR for the 1981–1995 period. We later adopted a Notice of Proposed Rulemaking in this proceeding (NPRM),[3] by which we issued for public comment our tentative conclusions about facilities planning and use in the region. The tentative conclusions reached were limited to 1982–1986 because of our decision to bifurcate this proceeding into two phases.

3. In our *Report and Order* terminating phase I, we reached three major conclusions.[4] First, we found that the acquisition of circuits by U.S. carriers in the ANZCAN cable system[5] serves the public interest. Specifically, we authorized U.S. carriers to acquire both permanent and/or temporary IRU [6] interest in 652 half circuits and 196 whole circuits in ANZCAN North and 608 half circuits in ANZCAN South. Second, we found that construction and use of analog HAW–4 and TRANSPAC–3 (TPC–3) cables would not serve the public interest. Third, we found that utilization of INTELSAT's in-orbit spare satellite as an operational spare satellite during the mid-1980's would serve the public interest.

4. We deferred the following issues until the second phase of the process: (a) U.S. carriers' forecasted circuit demands and circuit requests for the 1987–1995 period; (b) alternative facility plans proposed for construction during that period; and (c) the proposed introduction of a fiber optic TPC–3 cable in 1988 and the configuration thereof. During the first phase, the Department of Defense (DOD) and the National Telecommunications and Information Agency (NTIA) strongly supported the introduction of a fiber optic TPC–3 cable which would be routed from Hawaii to Guam and then to Japan. Both parties asserted that the national security and commercial interests of the United States would best be served by the routing of the TPC–3 cable system through Guam.

II. Recent Developments

5. By letters dated July 1, 1983, the staff requested updated information from AT&T and Comsat regarding the status of facilities planning in the POR. AT&T and Comsat responded to this request on July 25, 1983. In its response, AT&T stated that it, together with the other United States International Service Carriers (USISCs), is currently engaged in a series of meetings with its Pacific region correspondents to discuss facilities planning. The purpose of these meetings is to forecast industry circuit requirements, to develop alternative facility plans that would satisfy these requirements and to analyze these plans in terms of cost and other relevant considerations.[7] AT&T also asserts that the parties to these meetings are considering various configurations of the proposed fiber optic TPC–3 cable and are taking into account both NTIA's and DoD's concerns regarding a Guam landing point.

6. Comsat's response indicates that because the INTELSAT V series satellites have had a higher rate of successful launches and placement than anticipated, an INTELSAT V satellite will be available by early 1984 to serve as the Pacific Spare Operational Satellite. By year end 1984, an INTELSAT V satellite will be relocated from the Atlantic Ocean Region to serve as the Pacific Primary satellite. It will reach the end of its design life in 1987 and will be replaced with another INTELSAT V satellite, relocated from the Indian Ocean Region.

7. On July 28, 1983, the staff issued a Public Notice soliciting comments from interested parties and persons on the following items:

(1) AT&T's and Comsat's July 25 filings;

(2) Various configurations of the proposed fiber optic TRANSPAC–3 cable system;

(3) The date for the formal initiation of the second phase of the POR planning process; and

(4) Any other matters related to this proceeding.

Comments in response to this Notice have been received from Hawaiian Telephone Company (HTC); Western Union Telegraph Company (WU); State of Hawaii (Hawaii); RCA Global Communications, Inc. (RCA Globcom); ITT World Communications Inc. (ITT); Department of Defense (DoD); and the National Telecommunications and Information Agency (NTIA). All of the

[1] Pacific Planning (Report and Order) 47 FR 57040 (Dec. 22, 1982).

[2] Pacific Planning (Notice of Inquiry) 46 FR 31288 (June 15, 1981).

[3] Pacific Planning (Notice of Proposed Rulemaking) 47 FR 21868 (May 20, 1982).

[4] We also reached the following other conclusions:

(1) AT&T's Master Plan and incorporation of the shortfall/longfall approach is reasonable;

(2) Exemption of the IRC's from specific loading criteria would serve the public interest;

(3) Exemption of Hawaiian Telephone Company's private line circuits from a specific loading methodology serves the public interest; and

(4) That a standard costing methology need not be adopted in phase I of the planning process.

[5] The ANZCAN cable will be constructed and owned by telecommunications entities of Australia, Canada, France, the Federal Republic of Germany, New Zealand, the Independent State of Papua, New Guinea, the Philippines and the United Kingdom.

[6] The term IRU, or indefeasible right of user refers to a type of ownership of transmission facilities in which the IRU holder has most of the indicia of ownership, but lacks the right to control the facility or, depending on the particular IRU contract, any right to salvage.

[7] At a meeting held in April 1983, the USISCs and their foreign correspondents developed a long range bilateral circuit forecast and established a small working group to develop and analyze alternative facility plans. A second meeting involving modeling experts was held in May 1983 to discuss the planning models to be used. A meeting of the working group was held in August 1983 to analyze alternative plans produced by the planning models. A meeting among the principals' representatives' was held in September 1983 to review the analysis of the alternative plans developed by the working group. A meeting of principals is scheduled for January 1984 to identify a set of mutually acceptable plans.

comments support the prompt initiation of the second phase of the Pacific planning process. DoD and NTIA strongly urge that routing the TPC–3 cable through Guam and then to Japan would best serve our national defense, security and commercial interests. These comments, as well as AT&T's and Comsat's June 25 filings, are summarized in greater detail in Appendix I to this Notice.

8. In its comments, NTIA states that a Guam landing point will provide the United States with operational flexibility, a gateway to the Far-eastern communications network and the shortest cable path between the U.S mainland and all cable destinations in Asia with the exception of Japan and Korea. NTIA also maintains that a Guam landing point would ensure that the United States controls services to the Western Pacific countries. NTIA further states that a Guam landing point is essential to a competitive market for submarine cables. In the alternative, NTIA suggests that a deep-water branching point which splits U.S. traffic to Japan and Korea from that of Guam and the rest of the Pacific may be a reasonable compromise.

9. DoD states that it cannot support any plan for the TPC–3 cable which does not have a terminal point in Guam since Guam is DoD's communication hub in the Far East. According to DoD, circuits critical to defense communications connect Guam with U.S. military installations and activities in Southeast Asia, as well as in Japan and Korea.

III. Scope of the Issues and Criteria for Evaluation

10. The scope of this inquiry is expected to include an assessment of currently operating facilities in the region with a comparison of actual use relative to available capacity and design life. This should encompass cable systems in operation, international satellite facilities, and domestic satellite facilities capable of serving Hawaii. We except in this inquiry to consider a full range of facilities alternatives capable of meeting projected traffic demands in the POR from 1987–1995.

11. Consistent with past practices, we intend to collect traffic data from U.S. carriers. In this regard we note that the volume of telecommunications traffic in the Pacific has grown considerably in recent years.

12. We will also request that the carriers update their alternative facilities plans submitted during phase I of this proceeding for the years 1987–1995. In this context, we shall address the issue of configuration of the proposed fiber optic TPC–3 cable. We shall examine the commercial, security and defense considerations favoring a Guam landing point. We shall balance these considerations with other concerns including whether actual traffic would cover the cost of such a configuration. We shall also consider how a particular configuration of the TPC–3 cable can be integrated into the existing network of cables in the POR that provide service between the U.S. and the Far East.

13. All available transmission media and viable technological designs will be considered, as well as techniques for circuit multiplication and other methods for enhancing the efficiency of a facility. We also intend to address the issue of facilities use, and the restoration of service following a facility failure.

14. Consistent with the position that we took in Phase I, we intend to address the issue of loading and to review it for monitoring purposes, but we do not intend to specify loading criteria. In recent years, we have moved aay from specifying any loading criteria and we intend to continue this policy as competition develops. We expect that as Comsat develops its own customer traffic base under our pro-competitive policies, the Commission will no longer have to monitor traffic loading. Rather, economic and service quality considerations will govern traffic loading under competitive market conditions. Thus, we believe the appropriate course for us to follow is to provide the U.S. carriers and Comsat with guidelines regarding the choice and use of major facilities, instead of stating a preference for a particular facilities construction and utilization plan. We intend these guidelines to define a range of acceptable alternatives for facilities use. The range defined should be narrow enough to protect the U.S. public from the consequences of excessive or inadequate facilities investment; yet, it should be broad enough to allow sufficient flexibility for the carriers and Comsat to vary the introduction of such facilities to meet the uncertainties inherent in the development of new technologies, varying demand conditions, and the requirements of foreign correspondents. Flexibility in our policy guidelines leaves room to accommodate our foreign partners and promotes the attainment of a consensus among the sovereign nations taking an active part in facilities planning for the POR.

15. We intend to conduct this inquiry on an expedited basis culminating in the issuance of a Report and Order specifying guidelines related to the facilities expected to be operational by 1995. Upon completion of the record compilation process, we expect to initiate the rulemaking stage of this proceeding.

16. In accordance with sound administrative practice and the Administrative Procedure Act (5 U.S.C. Section 551 *et seq.*), we invite public participation by all interested parties in the form of written comments on any and all issues raised in this Notice. We are specifically requesting information and public comment on the following issues:

(1) U.S. carriers' forecasted circuit demands and circuit requests for the 1987–1995 time frame;

(2) Alternative facilities plans proposed for construction during the 1987–1995 period;

(3) The proposed introduction of a fiber optic TPC–3 cable in 1988 and the configuration thereof;

(4) Any critical dates by which facilities decisions must be made;

(5) Scheduling of Public Meetings; and

(6) Any other matters related to this proceeding.

17. We are also delegating authority to the staff to hold a series of public meetings at the Commission's offices with all parties for the purpose of expeditiously obtaining all of the planning information deemed necessary to compile a complete record in this proceeding. These meetings will be held concurrently with and subsequent to the comment period. Parties are invited to participate in these public meetings. The meetings will begin as soon as possible after release of this Notice.

18. Accordingly, it is ordered, pursuant to sections 4(i), 4(j) 214 and 403 of the Communications Act of 1934, 47 U.S.C. 154(i), 154(j) 214 and 403 (1970), and section 201(c) of the Communications Satellite Act of 1962, 47 U.S.C. 801 (1970), that:

(A) The American Telephone and Telegraph Company, the Communications Satellite Corporation, ITT World Communications, Inc., Hawaiian Telephone Company, State of Hawaii, RCA Global Communications, Inc., TRT Telecommunications Corporation, Western Union International, Inc., Western Union Telegraph Co., FTC Communications Corporation, Department of Defense and National Telecommunications and Information Agency, are hereby made parties. We also will consider requests by other interested entities to be made parties to this proceeding.

(B) Comments and reply comments shall be filed according to the following schedule:

Comments: 30 days from date of publication of the Notice in the **Federal Register.**

Reply Comments: 45 days from the date of publication of the Notice in the **Federal Register.**

19. It is further ordered that the Commission's staff is delegated authority to hold public meetings at the Commission's offices from time to time, as may be necessary, to obtain information deemed necessary to develop such a record.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix I

Response of American Telegraph and Telephone (AT&T) to the Commission's Letter of July 1, 1983

In its response, AT&T summarizes past Pacific Ocean Region planning meetings the USISCs and foreign correspondents have held, describes the schedule of future planning meetings, and strongly supports initiation of the second phase of the Pacific Ocean Region Planning Process.

AT&T states taht AT&T, the USISCs and foreign correspondents have met and continue to meet to: (a) forecast industry circuit requirements in the Pacific, (b) develop alternative facility plans to accommodate anticipated traffic, and (c) analyze these plans on the basis of cost and other factors. In April 1983 USISCs and foreign correspondents met and developed bilateral circuit forecasts and established a small working group to develop and analyze alternative facility plans. In the May 1983 meeting, various planning models which the working group will use were discussed, cost information used in economic analysis of alternative plans was refined, and a preliminary group of various TPC–3 cable configurations were studied. AT&T reports that the alternative routings included: (a) a direct cable between Hawaii and Japan, multipoint configurations and deep-water branching cable systems with possible terminal points in Hawaii, Guam, Japan, Hong Kong and the Philippines.

AT&T reports that additional meetings will occur in August and September of 1983 and in January 1984. At the August 1983 meeting members of the working group will analyze alternative facility plans. In September the principals' representatives will convene to review the progress of the working group. The principals will meet in January 1984 to discuss the efforts of the working group and identify a set of mutually acceptable tentative facility plans.

In response to Commission's request for information on AT&T's corporate positions on timing, routing technology and cost of additional POR facilities, AT&T states that these issues are very fluid at this time and thus it is impractical for AT&T to formulate corporate positions on these issues. In addition, AT&T believes that disclosure of corporate positions could be detrimental to the effective participation of the USISCs in these meetings.

AT&T acknowledges that the Department of Defense and the Department of Commerce strongly advocates construction of a TPC–3 cable with a Guam landing point. AT&T notes that presently many configurations are under consideration, including plans which contain a Guam landing point. AT&T states that it will ensure that configurations reflecting the concerns of DOD and DOC will be fully considered. According to AT&T, each TPC–3 configuration will be analyzed in terms of economic considerations, traffic demand, technical alternatives, service reliability and quality.

AT&T suggests that the second phase of the POR should coincide with the January 1984 meeting so that mutually acceptable alternative plans arrived at in the January 1984 meeting can be included in the second phase of the Pacific Planning Process. AT&T states it will advise correspondents that the Commission is considering implementation of a second phase of the Pacific Planning Process and that alternative plans correspondents and U.S. telecommunications corporations arrive at will be included in the Commission's planning process.

Response of Comsat to the Commission's Letter of July 1, 1983

Comsat reports that as a result of the Intelsat V series satellites having a higher rate of successful launches and placement than anticipated, an Intelsat V satellite will be available by early 1984 to serve as the Pacific Spare Operational Satellite (Spare satellite). It will replace the IV–A satellite which is currently functioning as the Spare satellite. The V satellite will also provide maritime communication services for INMARSAT. The IV–A satellite will remain in the Pacific and be used for Intelsat leased service and dual polarization antenna qualification testing.

By year end 1984 the Intelsat IV–A satellite serving as the Pacific Primary satellite, will be replaced by an Intelsat V satellite relocated from the Atlantic Ocean Region. The Intelsat V primary satellite will reach the end of its design life by year end 1987 and will be replaced by that time with one of two other Intelsat V satellites which will be relocated from the Indian Ocean Region. The second Intelsat V satellite will be relocated to serve as a new Spare satellite. The former Spare satellite will remain as the Major Path satellite and will continue to provide INMARSAT service.

Comsat states that in 1985 Australia, Canada, Japan, Korea, New Zealand and the United States plan to operate 6/4 GHz antennas with the Pacific Spare satellite. By 1988 the Philippines and China will also operate 6/4 GHz antennas with the Pacific Spare satellite.

Comsat reports that Pacific Ocean Region demand for television and domestic leases, thin route services and business service after 1991 are currently under study. Comsat anticipates that definitive conclusions will be reached in one or two years.

In response to the Commission's question concerning the introduction of new modulation and voice encoding techniques, Comsat states that various techniques are under study and will be implemented over the next twenty years. However, Comsat does not believe that the introduction of these new techniques will have any impact on space segment facilities in the POR during this decade.

Comsat states the FMDA/CFDM/FM will be introduced into the Pacific Ocean Region in the next year. In addition, several administrations, notably Australia, Hong Kong and Japan are contemplating converting their terrestrial feeds to earth stations from analog to digital signals in the second half of the decade and have expressed interest in the early introduction of TDMA/DSI on the Pacific Primary satellite to accommodate their digital traffic. However, 1986 is the earliest time that Intelsat will introduce TDMA/DSI in the POR. In addition, Comsat notes that AT&T has no plans to install digital terrestrial feeds into ESOC West Coast earth stations.

Comsat reports that Intelsat is also studying the potential for transponder capacity enhancement through the use of Amplitude Companded Single Sideband (ACSSB). Comsat, AT&T and the German Bundespost plan to begin operation field tests using INTELSAT space segment later this year, and results should be complete by early next year. Comsat states that it is too early to tell what effect this technology will have on Pacific planning.

Comments of Hawaiian Telephone Company (HTC)

HTC states that it has a direct interest in the planning of telecommunication facilities in the Pacific since Hawaii functions as a "hub" for Pacific traffic. Thus, HTC has participated in virtually all of the international Pacific planning meetings described by AT&T.

HTC suggests that the second phase of the Pacific Planning Process should coincide with the January 1984 Meeting of Principals. HTC believes that the plans developed at such a conference might form the basis of the first USISC submission to the second phase of the planning process.

Although HTC has begun to review various configurations of the Transpac-3 optical fiber cable, they conclude that, at this time, they are unable express a preference for a particular routing. HTC believes that before a routing is agreed upon, both the parties and the Commission should have an opportunity to review the cost of each TPC–3 configuration.

Comments of Western Union Telegraph Company (WU)

WU states that it has recently re-entered the international telecommunications market and that it is a participant in the Pacific Planning meetings detailed by AT&T.

WU commends the Commission for initiating a public record at this time and suggests that the second phase of the Pacific Planning Process should coincide with the January 1984 meeting. WU states that it has no specific comments on AT&T's and Comsat's filings nor on the routing of the TPC–3 cable.

Comments of the State of Hawaii (Hawaii)

Hawaii contends that AT&T's responses to the Commission letter of July 1, 1983 are incomplete, merely verify that planning activities are underway with foreign correspondents, and fail to provide enough information on TPC–3 configurations to adequately comment on.

Hawaii suggests that the next phase of the POR planning process should be initiated after carriers have projected: (a) How they will use existing facilities fully, (b) the additional facilities they need and (c) the revenue requirements for those additional facilities. Hawaii advocates the proceeding include all U.S. carriers that project ownership or lease of facilities in the Pacific, whether they be domestic or international carriers. In addition, Hawaii suggests that U.S. carriers should not have any further formalized undertakings with foreign correspondents until the next phase of the Pacific Planning Process has been initiated.

Hawaii also characterizes as inadequate Comsat's response to the Commission's letter of July 1, 1983. Comsat is faulted for addressing only the early years of the relevant time period. Hawaii states that the limited scope of the projections could result in the construction of a cable which would prove less cost effective over the long term than satellites.

The State of Hawaii is also critical of what it believes is the Commission's reliance upon AT&T and Comsat for responses to our inquiry. It feels that such dependence is inappropriate in light of: (a) The Commission's pro-competitive philosophy, (b) the existence of other U.S. carriers which operate or are authorized to operate satellite systems capable of or serving U.S. Pacific points, and (c) HTC's role as the exclusive international message service carrier serving the State of Hawaii. Hawaii contents that it is not in the public interest for the Commission to limit its requests to AT&T and Comsat, or to each facilities planning conclusions based on these limited sources. In this connection, Hawaii offers to assist the Commission in developing a complete list of parties who should participate in the proceeding.

Comments of RCA Global Communications (RCA Globcom)

RCA Globcom states that it cannot conclude which TPC–3 cable configuration it will favor until the series of planning meetings with its foreign correspondents have been concluded. Thus, RCA Globcom recommends that the second phase of the Pacific Planning Process be initiated after the January 1984 meeting with the foreign correspondents.

Comments of ITT World Communications, Inc. (ITT Worldcom)

ITT Worldcom believes that AT&T's and Comsat's responses of July 25, 1983 accurately depict the status of POR satellite and cable facilities planning. In addition, ITT Worldcom concurs with AT&T's responses concerning possible TPC–3 configurations and the initiation of the POR planning process after January 1984. Further, ITT Worldcom believes that the POR planning process should only be implemented then if the Caribbean and North Atlantic Planning processes have been substantially concluded by that time. If not, ITT Worldcom believes that 3 simultaneous planning processes would prove to be an extreme burden on both the commission's and its own resources.

ITT Worldcom contends that all parties to the proceeding should have been sent the July 1, 1983 letter sent to AT&T and Comsat. In addition, ITT Worldcom suggests that during the second phase of the planning process the Commission should address the issue of the international record carriers' participation in and availability of domestic satellite capacity on financially acceptable terms.

Comments of the Department of Defense (DOD)

DOD states that the national defense and security interests in the POR require both that the planned TPC–3 cable utilize optical fiber technology and that it be routed from Hawaii to Guam and then to Japan. DOD views any plan for TPC–3 which does not have a terminal point in Guam as unacceptable. According to DOD, Guam is DOD's commuication hub in the Far East. Circuits critical to the national defense and security connect Guam with U.S. military installations and activities in Southeast Asia as well as Japan and Korea. DOD asserts that it is working on major initiatives which increasingly rely upon automation and data processing and therefore need a flexible, highly sophisticated and cost effective telecommunications system. For this reason DOD supports the earliest introduction of the fiber optical cable into the POR.

DOD believes that the Commission immediately initiate phase II of this proceeding to ensure that AT&T and the USISC's have received firm guidelines from the FCC on acceptable configurations of TPC–3 which serve the interests of the United States before they reach agreements with their foreign correspondents.

Comments of the National Telecommunications and Information Admnistration (NTIA)

NTIA asserts that a primary U.S. national interest concern in phase II of the planning process is the use of Guam as a landing point for the proposed TPC–3 cable. NTIA believes that a Guam landing point is essential because (1) DOD use Guam as the hub of its Pacific operations; (2) a Guam landing point will provide the United States with operational flexibility, control of the key Asian hubbing point and the shortest cable path between the U.S. Mainland and all cable destinations in Asia with the exception of Japan and Korea; and (3) use of Guam as a landing point would enable the United States to ensure that its telecommunications and information services and submarine

cable system vendors would have fair competition in the POR.

NTIA also states that in the alternative a deep water branching point which splits U.S. traffic to Japan and Korea from that of Guam and the rest of the Pacific cable destinations may be reasonable. NTIA believes that phase II of the POR facilities planning process should be initiated without delay.

[FR Doc. 83-31562 Filed 12-2-83; 8:45 am]
BILLING CODE 6712-01-M

GENERAL SERVICES ADMINISTRATION

48 CFR Ch. 5

GSA Implementation of the Federal Acquisition Regulation (FAR), General Services Administration Acquisition Regulations (GSAR)

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice invites written comments on the General Services Administration proposal to establish the General Services Administration Acquisition Regulations (GSAR) as Chapter 5 of the Federal Acquisition Regulations System. The GSAR will implement and supplement the Federal Acquisition Regulations. The new GSAR will supersede the current General Services Administration Procurement Regulations. The following part of the proposed GSAR is available for review and comment:

Part 515—Contracting by Negotiation

DATE: Comments are due not later than January 4, 1984.

ADDRESS: Requests for copies of the proposals and comments should be addressed to the Office of GSA Acquisition Policy and Regulations, Office of Acquisition Policy, Room 4026, 18th & F Streets NW., Washington, D.C.20405.

FOR FURTHER INFORMATION CONTACT: Ida Ustad, Office of GSA Acquisition Policy and Regulations, Office of Acquisition Policy, (202) 523-4754.

SUPPLEMENTARY INFORMATION: .

Impact

The Director, Office of Management and Budget (OMB), by memorandum dated October 4, 1982, exempted agency procurement regulations from Executive Order 12291. The General Services Administration (GSA) certifies that these documents will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). The rule does not contain information collection requirements which require approval by OMB under 44 U.S.C. 3501 et seq. This rule provides uniformity with other Federal agencies and reduces the administrative impact on bidders as set forth in OFPP Policy Letter 83-2.

List of Subjects in 48 CFR Chapter 5

General Services Administration acquisition regulations, Government procurement.

Dated: November 1, 1983.

Richard H. Hopf III,

Director, Office of GSA Acquisition Policy and Regulations.

[FR Doc. 83-32329 Filed 12-2-83; 8:45 am]
BILLING CODE 6820-61-M

48 CFR Ch. 5

GSA Implementation of the Federal Regulation (FAR), General Services Administration Acquisition Regulations (GSAR)

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice invites written comments on the General Services Administration proposal to establish the General Services Administration Acquisition Regulations (GSAR) as Chapter 5 of the Federal Acquisition Regulations System. The GSAR will implement and supplement the Federal Acquisition Regulations. The new GSAR will supersede the current General Services Administration Procurement Regulations. The following part of the proposed GSAR is available for review and comment:

Part 508—Required Sources of Supplies and Services

Part 510—Specifications, Standards, and other Product Descriptions

Part 536—Construction and Architect-Engineer Contracts

DATES: Comments are due not later than January 4, 1984.

ADDRESS: Requests for copies of the proposals and comments should be addressed to the Ofice of GSA Acquisition Policy and Regulations, Office of Acquisition Policy, Room 4026, 18th & F Streets NW., Washington, D.C. 20405.

FOR FURTHER INFORMATION CONTACT: Ida Ustad, Office of GSA Acquisition Policy and Regulations, Office of Acquisition Policy, (202) 523-4754.

SUPPLEMENTARY INFORMATION:

Impact

The Director, Office of Management and Budget (OMB), by memorandum dated October 4, 1982, exempted agency procurement regulations from Executive Order 12291. The General Services Administration (GSA) certifies that these documents will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). The rule does not contain information collection requirements which require approval by OMB under 44 U.S.C. 3501 et seq. This rule provides uniformity with other Federal agencies and reduces the administrative impact on bidders as set forth in OFPP Policy Letter 83-2.

List of Subjects in 48 CFR Chapter 5

General Services Administration acquisition regulations, Government procurement.

Dated: November 15, 1983.

Richard H. Hopf III,

Director, Office of GSA Acquisition Policy and Regulations.

[FR Doc. 83-32330 Filed 12-2-83; 8:45 am]
BILLING CODE 6820-61-M

48 CFR Ch. 5

GSA Implementation of the Federal Acquisition Regulation (FAR), General Services Administration Acquisition Regulations (GSAR)

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice invites written comments on the General Services Administration proposal to establish the General Services Administration Acquisition Regulations (GSAR) as Chapter 5 of the Federal Acquisition Regulations System. The GSAR will implement and supplement the Federal Acquisition Regulations. The new GSAR will supersede the current General Services Administration Procurement Regulations. The following part of the proposed GSAR is available for review and comment:

Part 532—Contract Financing

DATE: Comments are due not later than January 4, 1984.

ADDRESS: Requests for copies of the proposals and comments should be addressed to the Office of GSA Acquisition Policy and Regulations, Office of Acquisition Policy, Room 4026,

18th & F Streets NW., Washington, D.C. 20405.

FOR FURTHER INFORMATION CONTACT: Ida Ustad, Office of GSA Acquisition Policy and Regulations, Office of Acquisition Policy, (202) 523–4754.

SUPPLEMENTARY INFORMATION:

Impact

The Director, Office of Management and Budget (OMB), by memorandum dated October 4, 1982, exempted agency procurement regulations from Executive Order 12291. The General Services Administration (GSA) certifies that these documents will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). The information collection requirements contained in this proposed rule have already been approved by the Office Management and Budget (OMB) under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. However, GSA has requested an extension of the expiration date of the currently approved collection requirements from December 31, 1984 to December 31, 1987.

List of Subjects in 48 CFR Chapter 5

General Services Administration acquisition regulations, Government procurement.

Dated: November 10, 1983.

Richard H. Hopf III,

Director, Office of GSA Acquisition Policy and Regulations.

[FR Doc. 83-32331 Filed 12-2-83; 8:45 am]

BILLING CODE 6820-61-M

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48 CFR Ch. 5

GSA Implementation of the Federal Acquisition Regulation (FAR), General Services Administration Acquisition Regulations (GSAR)

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice invites written comments on the General Services Administration proposal to establish the General Services Administration Acquisition Regulations (GSAR) as Chapter 5 of the Federal Acquisition Regulations System. The GSAR will implement and supplement the Federal Acquisition Regulations. The new GSAR will supersede the current General Services Administration Procurement Regulations. The following part of the proposed GSAR is available for review and comment:

Part 528—Bonds and Insurance

DATE: Comments are due not later than January 4, 1984.

ADDRESS: Requests for copies of the proposals and comments should be addressed to the Office of GSA Acquisition Policy and Regulations, Office of Acquisition Policy, Room 4026, 18th & F Streets NW., Washington, D.C. 20405.

FOR FURTHER INFORMATION CONTACT: Ida Ustad, Office of GSA Acquisition Policy and Regulations, Office of Acquisition Policy, (202) 523–4754.

SUPPLEMENTARY INFORMATION:

Impact

The Director, Office of Management and Budget (OMB), by memorandum dated October 4, 1982, exempted agency procurement regulations from Executive Order 12291. The General Services Administration (GSA) certifies that these documents will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

Part 528 of the proposed GSAR contains one information collection requirement which requires approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act, (44 U.S.C. 3501 et seq.). The proposed requirement that individual sureties submit pledges of assets has been submitted to OMB for approval.

List of Subjects in 48 CFR Chapter 5

General Services Administration acquisition regulations, Government procurement.

Dated: November 16, 1983.

Richard H. Hopf III,

Director, Office of GSA Acquisition Policy and Regulations.

[FR Doc. 83-32332 Filed 12-2-83; 8:45 am]

BILLING CODE 6820-61-M

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48 CFR Ch. 5

GSA Implementation of the Federal Acquisition Regulation (FAR), General Services Administration Acquisition Regulations (GSAR)

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice invites written comments on the General Services Administration proposal to establish the General Services Administration Acquisition Regulations (GSAR) as Chapter 5 of the Federal Acquisition Regulations System. The GSAR will implement and supplement the Federal Acquisition Regulations. The new GSAR will supersede the current General Services Administration Procurement Regulations. The following part of the proposed GSAR is available for review and comment:

PART 513—Small Purchase and Other Simplified Purchase Procedures

PART 533—Disputes and Appeals

DATE: Comments are due not later than January 4, 1984.

ADDRESS: Requests for copies of the proposals and comments should be addressed to the Office of GSA Acquisition Policy and Regulations, Office of Acquisition Policy, Room 4026, 18th & F Streets NW., Washington, D.C. 20405.

FOR FURTHER INFORMATION CONTACT: Ida Ustad, Office of GSA Acquisition Policy and Regulations, Office of Acquisition Policy (202) 523–4754.

SUPPLEMENTARY INFORMATION:

Impact

The Director, Office of Management and Budget (OMB), by memorandum dated October 4, 1982, exempted agency procurement regulations from Executive Order 12291. The General Services Administration (GSA) certifies that these documents will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). The rule does not contain information collection requirements which require approval by OMB under 44 U.S.C. 3501 et seq. This rule provides uniformity with other Federal agencies and reduces the administrative impact on bidders as set forth in OFPP Policy Letter 83–2.

List of Subjects in 48 CFR Chapter 5

General Services Administration acquisition regulations, Government procurement.

Dated November 10, 1983.

Richard H. Hopf III,

Director, Office of GSA Acquisition Policy & Regulations.

[FR Doc. 83-32333 Filed 12-2-83; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 672

[Docket No. 31026-209]

Foreign Fishing: Groundfish of the Gulf of Alaska

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule-related notice; 1984 initial specifications for groundfish, request for comments; correction.

SUMMARY: This document adds an omitted date for public comments due to the Secretary of Commerce, corrects a table and footnote of 1983 U.S. harvests and 1984 proposed apportionments in a proposed rule-related notice of 1984 initial specifications for Gulf of Alaska groundfish that was published on November 1, 1983, 48 FR 50379, and extends the public comment period until December 8, 1983.

DATE: Comments on the notice are invited until December 8, 1983.

FOR FURTHER INFORMATION CONTACT: Janet Smoker, 907-586-7230.

In FR Doc. 83-29570, remove bracketed material appearing on page 50379, column 3, lines 6 through 8 and in its place insert the date "December 8, 1983." A corrected table of 1983 U.S. harvests and 1984 proposed apportionments reads as follows.

Table of 1983 estimated U.S. harvests and proposed 1984 Gulf of Alaska groundfish OY apportionments among domestic annual processing (DAP) and joint venture processing (JVP), reserves and total allowable level of foreign fishing (TALFF). (All figures in metric tons).

Species and areas	OY	1983 estimated harvests		1984 proposed apportionments			
		DAP	JVP	DAP	JVP	Reserve	TALFF
Gulf of Alaska Groundfish Fishery							
Pollock:							
Western [1]	57,000	25	400	230	300	11,400	45,070
Central [1]	143,000	109	132,000	19,000	124,000	0	0
Eastern [1]	16,600	0	0	0	0	3,320	13,280
Total	216,600	134	132,400	19,230	124,300	14,720	58,350
Pacific cod:							
Western	16,560	500	1,000	500	250	3,312	12,498
Central	33,540	4,680	2,700	11,683	8,621	6,708	6,528
Eastern	9,900	50	0	120	0	1,980	7,800
Total	60,000	5,230	3,700	12,303	8,871	12,000	26,826
Flounders:							
Western	10,400	0	700	0	0	2,080	8,320
Central	14,700	300	800	102	4,620	2,940	7,038
Eastern	8,400	200	0	60	0	1,680	6,660
Total	33,500	500	1,500	162	4,620	6,700	22,018
Pacific ocean perch: [2]							
Western	2,700	0	1,800	0	2,300	400	0
Central	7,900	100	900	622	4,100	1,580	1,598
Eastern	875	50	0	460	0	175	240
Total	11,475	150	2,700	1,082	6,400	2,155	1,838
Other rockfish: [3] Total	7,600	200	300	374	0	1,520	5,706
Sablefish: [4]							
Western	1,670	120	150	0	1,100	334	236
Central	3,060	286	50	1,092	110	612	1,246
West Yakutat District [1]	1,680	200	0	530	0	336	814
East Yakutat District [1]	850 to 1,135	300	0	850 to 1,135	0	N/A	N/A
Southeast Outside [1]	470 to 1,435	2,100	0	470 to 1,435	0	N/A	N/A
Total	7,730 to 8,980	3,006	200	2,942 to 4,192	1,210	1,282	1,306
Atka mackerel:							
Western	4,678	0	750	0	400	936	3,342
Central	20,836	0	80	0	0	4,167	16,669
Eastern	3,186	0	0	0	0	637	2,549
Total	28,700	0	830	0	400	5,740	22,560
Squid: Total	5,000			0	10	1,000	3,990
Thornyhead rockfish: Total	3,750			0	50	750	2,950
Other species: [5] Total	18,780			50	300	3,758	14,674
Total	393,135 to 394,385	9,220	141,630	36,143 to 37,393	146,161	49,623	160,218

[1] See figure 1 of § 672.20 for description of regulatory areas and districts.
[2] The Category "Pacific ocean perch" includes *Sebastes* species *S. alutus* (Pacific ocean perch), *S. polyspinus* (northern rockfish), *S. aleutianus* (rougheye rockfish), *S. borealis* (shortraker rockfish), and *S. zacentrus* (sharpchin rockfish).
[3] The category "other rockfish" includes all fish of the genus *Sebastes* except the category "Pacific ocean perch" as defined in footnote 2 above and *Sebastolobus* (thornyhead rockfish).
[4] Excludes values for the Southeast Inside District, which is not governed by these regulations.
[5] The category "other species" includes sculpins, sharks, skates, eulachon, smelts, capelin, and octopus. The OY is equal to 5% of the target species OYs, the high end of the OY range for sablefish is used in its calculation.

Dated: November 30, 1983.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 83-32327 Filed 12-2-83; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 48, No. 234
Monday, December 5, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

Chaves County Rural Roads Critical Area Treatment; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Chaves County Rural Roads Critical Area Treatment, New Mexico.

FOR FURTHER INFORMATION CONTACT: Ray T. Margo, Jr., State Conservationist, Soil Conservation Service, 517 Gold Avenue SW., Rm 3301, Albuquerque, NM 87102, Telephone No. (505) 766–2173.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally-assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Ray T. Margo, Jr., State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns erosion control. The planned works of improvement will include surface water control structures at five locations, each on the order of two to ten acres in size.

The Notice of Finding of a No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various federal, state, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Edwin Swenson.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.904, Resource Conservation and Development. Office of Management and Budget Circular A–95 regarding state and local clearing house review of federal and federally-assisted programs and projects is applicable)

Ray T. Margo, Jr.,

State Conservationist.

November 28, 1983

[FR Doc. 83–32328 Filed 12–2–83; 8:45 am]

BILLING CODE 3410–16–M

DEPARTMENT OF COMMERCE

International Trade Administration

Certain Welded Carbon Steel Pipes and Tubes From Taiwan Postponement of Final Antidumping Determination

AGENCY: International Trade Administration, Commerce.

ACTION: Postponement of Final Antidumping Determination.

SUMMARY: This notice informs the public that the Department has decided to postpone its final determination of whether certain welded carbon steel pipes and tubes from Taiwan are being, or are likely to be sold in the United States at less than fair value until not later than March 12, 1984.

EFFECTIVE DATE: December 5, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Nicholas C. Tolerico, Office of Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230. Telephone (202) 377–4036.

SUPPLEMENTARY INFORMATION: On May 11, 1983, the Department of Commerce published notice in the **Federal Register** that it was initiating, under section 732(b) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673a(b)), an antidumping investigation to determine whether certain welded carbon steel pipes and tubes from Taiwan are being, or are likely to be sold in the United States at less than fair value within the meaning of the antidumping law (48 FR 22179). The notice stated that if this investigation proceeded normally we would make our preliminary determination by September 28, 1983. On August 31, 1983, counsel for the petitioner requested that the Department extend the period for the preliminary determination until 185 days after the date on which the petition was filed, in accordance with section 733(c)(1)(A) of the Act. We determined that additional time was necessary to make the perliminary determination, and the preliminary determination was extended until October 24, 1983 (48 FR 41055).

On October 24, 1983, we issued our preliminary determination of sales at less than fair value (48 FR 22179). The notice stated that if this investigation proceeded normally we would make our final determination by January 9, 1984. On November 8, 1983, counsel for the Taiwan Steel and Iron Industry Association requested that the Department extend the date for the final determination in order to supply more complete information. As required by section 735(a)(2)(A) of the Act, the exporters represented by the Taiwan Steel and Iron Industry Association and requesting extension account for a significant proportion of the exports of the merchandise which is the subject of the investigation.

Accordingly, the Department will issue a final determination in this case not later than March 12, 1984.

This notice is published pursuant to section 735(a)(2)(A) of the Act.

Public Comment

The public hearing which would have been held on December 7, 1983 will now be held on January 25, 1983, in accordance with § 353.47 of the Commerce Regulations, to afford interested parties an opportunity to comment on our preliminary determination in this case. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within 10 days of the publication of this notice. Requests should contain: (1) The party's name,

address and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by January 18, 1984. Oral presentation will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, within 30 days of the publication of this notice, at the above address in at least 10 copies.

Dated: November 29, 1983.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-32422 Filed 12-2-83; 8:45 am]

BILLING CODE 3510-25-M

International Trade Administration

[A-583-009]

Postponement of Final Determination and Postponement of Hearing; Color Television Receivers From Taiwan

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of postponement of final determination and postponement of hearing.

SUMMARY: The Department of Commerce has received requests from five exporters subject to the pending antidumping investigation of Taiwan color television receivers that the final determination in the Department's investigation be postponed until not later than 135 days after the date of its preliminary determination. After review of the request, the Department is postponing its final determination until not later than February 23, 1984.

EFFECTIVE DATE: December 5, 1983.

FOR FURTHER INFORMATION CONTACT: David R. Chapman, Office of Compliance, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230; telephone: (202) 377-2923.

SUPPLEMENTARY INFORMATION: On May 27, 1983, the Department of Commerce ("the Department") published a notice in the **Federal Register** (48 FR 23879-80) that it was initiating, under section 732(b) of the Tariff Act of 1930 ("the Tariff Act"), an antidumping investigation to determine whether color television receivers from Taiwan are being or likely to be sold at less than fair value. The Department published an affirmative preliminary determination on October 19, 1983 (48 FR 48490-92). The second notice stated that, if the investigation proceeded normally, we would make a final determination by December 23, 1983.

Section 735(a)(2) of the Tariff Act provides that the Department may postpone its final determination until not later than 135 days after the preliminary determination if exporters accounting for a significant proportion of the merchandise subject to the investigation request such an extension and if the preliminary determination was affirmative. On November 7, 1983, the Department received such requests from AOC International, Sampo Corporation, Tatung Corporation, Fulet Corporation and Sanyo Electric Company. The five firms together represent approximately 50 percent of the exports subject to the investigation.

After review of the requests, the Department is postponing its final determination in this case until not later than February 23, 1984. The hearing originally scheduled for November 21, 1983, at 10:00 a.m., in Conference Room 6802 has been postponed. The new hearing dates are December 21 and 22, 1983, at 10:00 a.m. in Conference Room 4830. The prehearing briefs will be due on December 16, 1983. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within ten days of this notice's publication. Requests should contain a list of the issues the party wishes to discuss. In addition, each party wishing to make an affirmative presentation of issues must submit prehearing briefs in at least ten copies to the Deputy Assistant Secretary by December 16, 1983. Oral presentations will be limited to issues raised in the briefs. Any written views filed independently of the hearing should be filed in accordance with § 353.46 of the Commerce Regulations within thirty days of the date of publication of this notice, at the above address in at least 10 copies.

This notice is published pursuant to section 735(d) of the Tariff Act (19 U.S.C. 1673d).

Dated: November 21, 1983.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-32336 Filed 12-2-83; 8:45 am]

BILLING CODE 3510-DS-M

[A-580-008]

Postponement of Final Determination and Postponement of Hearing; Color Television Receivers From Korea

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of postponement of final determination and postponement of hearing.

SUMMARY: The Department of Commerce has received a request from two exporters subject to the pending antidumping investigation on Korean color television receivers that the final determination in the Department's investigation be postponed until not later than 135 days after the date of its preliminary determination. After review of the requests the Department is postponing its final determination until not later than February 23, 1984.

EFFECTIVE DATE: December 5, 1983.

FOR FURTHER INFORMATION CONTACT: David R. Chapman, Office of Compliance, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230; telephone: (202) 377-2923.

SUPPLEMENTARY INFORMATION: On May 27, 1983, the Department of Commerce ("the Department") published a notice in the **Federal Register** (48 FR 23879-80) that it was initiating, under section 732(b) of the Tariff Act of 1930 ("the Tariff Act"), an antidumping investigation to determine whether color television receivers from Korea are being or likely to be sold at less than fair value. The Department published an affirmative preliminary determination on October 19, 1983 (48 FR 48487). The second notice stated that, if the investigation proceeded normally, we would make a final determination by December 23, 1983.

Section 735(a)(2) of the Tariff Act provides that the Department may postpone its final determination until not later than 135 days after the preliminary determination if exporters accounting for a significant proportion of the merchandise subject to the investigation request such an extension and if the preliminary determination was affirmative. On October 21 and 26, 1983, the Department received such requests from Samsung Electronics Co., Ltd. and Gold Star Co., Ltd. The two firms together represent more than approximately 75 percent of the exports subject to the investigation. After a review of the requests, the Department is postponing its final determination in

this case until not later than February 23, 1984.

The hearing originally scheduled for November 23, 1983, at 10:00 a.m., in Room 6802 has been postponed. The new hearing dates are December 19 and 20, 1983, at 10:00 a.m., in Conference Room 4830. The prehearing briefs will be due on December 15, 1983. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within ten days of this notice's publication. Requests should contain a list of the issues the party wishes to discuss. In addition, each party wishing to make an affirmative presentation of issues must submit prehearing briefs in at least ten copies to the Deputy Assistant Secretary by December 15, 1983. Oral presentations will be limited to issues raised in the briefs. Any written views filed independently of the hearing should be filed in accordance with § 353.46 of the Commerce Regulations within thirty days of the date of publication of this notice, at the above address in at least 10 copies.

This notice is published pursuant to section 735(d) of the Tariff (19 U.S.C. 1673d).

Dated: November 21, 1983.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-32335 Filed 12-2-83; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-045]

Steel Wire Rope From Japan; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on steel wire rope from Japan. The review covers 102 of the 104 known manufacturers and/or exporters and two known third-country resellers of this merchandise to the United States and the period October 1, 1981 through September 30, 1982. The review indicates the existence of dumping margins for certain firms during the period.

As a result of the review, the Department has preliminarily determined to assess dumping duties equal to the calculated differences between United States price and foreign market value on each of their shipments during the period.

Where company-supplied information was inadequate or no information was received, the Department has used the best information available for assessment and estimated antidumping duties cash deposit purposes.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: December 5, 1983.

FOR FURTHER INFORMATION CONTACT: Maureen A. Flannery or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-3601.

SUPPLEMENTARY INFORMATION:

Background

On March 1, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 8524-6) the final results of its last administrative review of the antidumping finding on steel wire rope from Japan (38 FR 28571, October 15, 1973) and announced its intent to immediately conduct the next adminstrative review. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of steel wire rope, except brass electroplated steel truck tire cord of cable construction specially packaged for protection against moisture and atmosphere. Such steel wire rope is currently classsifiable under items 642.1200, 642.1400, 642.1500, 642.1600, and 642.1700 of the Tariff Schedules of the United States Annotated.

The review covers 102 of the 104 known manufacturers and/or exporters and two know third-country resellers of Japanese steel wire rope to the United States and the period October 1, 1981 through September 30, 1982. We will cover shipments by two firms, Mitsui and Co., Ltd. and Wire Shoji, in a subsequent review.

Forty-seven firms did not export Japanese steel wire rope to the United States during the review period. The estimated antidumping duties cash deposit rates for those firms will be the most recent rate for each firm. Twenty-nine firms failed to respond to our questionnaire and the responses to our questionnaire from eight other firms were inadequate. For those 37 firms we used the best information available to determine the assessment and estimated antidumping duties cash deposit rates. The best information available is the most recent rate for each firm or the highest rate among all responding firms with shipments in the period, whichever is higher.

Four firms, Ito-Ume & Co., Ltd., Sanwa Seiko Co., Taisei International Corp., and Millwire Corp., are no longer in business due to bankruptcy or merger and are, therefore, not covered in this review.

United States Price

In calculating United States price, the Department used purchase price, as defined in section 772 of the Tariff Act. Purchase price as based either on the packed f.o.b. price to unrelated purchasers in the United States or to unrelated Japanese trading companies for export to the United States. Where applicable, we made deductions for foreign inland freight, shipping charges, customs clearance fees, foreign inland insurance, and lighterage. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price, or the constructed value of such or similar merchandise when there were no sales or insufficient quantities of such or similar merchandise were sold in the home market or to third countries, all as defined in section 773 of the Tariff Act. Home market price was based on the packed delivered price to unrelated purchasers. Adjustments were made, where applicable, for inland freight, shipping charges, differences in the cost of packing, and differences in warranty and credit expenses.

We requested cost of production information from all but seven of the Japanese steel wire rope manufacturers, due to an allegation by the petitioner, the Committee of Domestic Steel Wire Rope and Specialty Cable Manufacturers, of sales in the home market below the cost of production during the period. In a previous review we found that the seven firms excluded from our cost of production request were selling substantially all of their wire rope in the home market at prices above their costs of production. In this review, we received adequate cost of production data from Kiku Steel & Wire Rope Co., Union Wire Rope Mfg., Ltd., and Marusen Wire Rope Mfg., Ltd.

Where sales in the home market were made over an extended period of time, in substantial quantities, and at prices which did not permit recovery of all

costs within a reasonable period of time, the Department excluded these sales from its analysis. When the remaining sales in the home market were insufficient, the Department used constructed value, as defined in section 773 of the Tariff Act. Constructed values were calculated as the sum of materials, fabrication costs, general expenses, profit, and the cost of packing. The amount added for general expenses was ten percent of the sum of materials and fabrication costs, or actual general expenses, whichever was higher. The amount added for profit was eight percent of the sum of materials, fabrication costs, and general expenses, or actual profit, whichever was higher.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following margins exist for the period October 1, 1981 through September 30, 1982:

Manufacturer/Exporter	Margin (percent)
Ace Industrial Co., Ltd.	*5.68
Ako Rope, K.K.	7.29
Asada Corporation	7.29
Asahi Mini Rope Co., Ltd.	*9.68
Chrysanthemum Nippon Wire Rope Co., Ltd./Izumi Trading Co., Ltd.	0
Chrysantehmum Nippon Wire Rope Co., Ltd./Kent-Moore Japan, Inc.	0
Chuo Seisakusho Ltd./All exporters	*1.30
Daido Corp.	7.29
Daisen Kogyo	*5.68
Daiwa Steel Co., Ltd. (also known as Daiwa Kogyo K.K.)	*5.68
Daiyu Kogyo Co., Ltd.	7.29
Dia Enterprises, Ltd.	7.29
J. Gerber & Co. (Japan)	*0
Godo Tessen Co., Ltd.	*9.68
Hakko Sangyo Co., Ltd.	*0
Hannan Wire Rope Mfg. Co., Ltd./Far East Industrial Co., Ltd.	7.29
Hannan Wire Rope Mfg. Co., Ltd./Higashishiba & Co., Ltd.	7.29
Iba Steel Rope Mfg. Co., Ltd./Hori Trading Co., Ltd.	*9.68
Igeta Wire Rope Co., Ltd./Mitsui & Co., Ltd.	*3.81
Igeta Wire Rope Co., Ltd./Kimura Shoten, Ltd. (formerly known as Osaka Ship Supplies Center)	*3.81
Iwata Wire Rope Mfg. Co. Ltd./Mitsui & Co., Ltd.	*0
Japan Steel Wire Rope Co., Ltd./Kohshin Co., Ltd.	7.29
Kasuga Seiko Co., Ltd./Higashishiba & Co., Ltd.	7.29
Kasuga Seiko Co., Ltd./Kohshin Co., Ltd.	7.29
Kasuga Seiko Co., Ltd./Nissho-Iwai	7.29
Kasuga Seiko Co., Ltd./Sumitomo Corporation (also known as Sumitomo Shoji Kaisha Ltd.)	7.29
Kawashima Trading Co., Ltd.	*9.68
Kawatetsu Wire Products Ltd./Mitsui & Co., Ltd.	*0
Kiku Steel & Wire Rope Co., Ltd./Watanabe Trading Co., Ltd.	0
Kiyohara & Co., Ltd.	*5.68
Kobayashi Metals, Ltd.	*5.68
Kokoku Steel Wire, Ltd.	7.29
Kokoku Steel Wire, Ltd./Kanematsu-Gosho Ltd.	7.29
Kokoku Steel Wire, Ltd./Kohshin Co., Ltd.	7.29
Kokoku Steel Wire, Ltd./Kongo Corp.	7.29
Kokoku Steel Wire, Ltd./Koyo Boeki Co., Ltd.	7.29
Kokoku Steel Wire, Ltd./Mitsui & Co., Ltd.	7.29
Kokoku Steel Wire, Ltd./Nichimen Co., Ltd.	7.29
Kokoku Steel Wire, Ltd./Nissho-Iwai	7.29
Kokoku Steel Wire, Ltd./Shinkyo Shoji Kaisha Ltd. (also known as Shinsho Corp.)	7.29
Kokoku Steel Wire, Ltd./Sumitomo Corporation (also known as Sumitomo Shoji Kaisha)	7.29
Kokoku Steel Wire, Ltd./Yutoku & Co., Ltd.	7.29
Kondo Iron Works Co., Ltd.	*9.68
Koshihara Iron Works Co., Ltd.	*5.68
Kyosei Industry Co., Ltd.	*0
Kyowa Wire Rope Mfg. Co., Ltd./Mitsui & Co., Ltd.	7.29
Kyowa Wire Rope Mfg. Co., Ltd./S.M. Industries, Inc.	7.29
Kyowa Wire Rope Mfg. Co., Ltd./Yutoku & Co., Ltd.	7.29
Liberty Shokai, Ltd.	*5.68
Maruka Machinery Co., Ltd.	*5.68
Marusen Wire Rope Mfg. Co., Ltd./S.M. Industries, Inc.	7.29
Marusen Wire Rope Mfg. Co., Ltd./Yutoku & Co., Ltd.	0.23
Meiji Seiko Co., Ltd. (also known as Meiji Steel Wire Rope Co., Ltd.)/Mitsui & Co., Ltd.	*0
Misawa Trading Co., Ltd. (also known as Misawa Kosan Kaisha, Ltd.) S.M. Industries, Inc.	7.29
Naigai Rope Mfg. Co., Ltd./Mitani Kogyo Co.	7.29
Nakasuji Seikosho	7.29
Naniwa Wire Rope Mfg. Co., Ltd./Higashishiba & Co., Ltd.	7.29
Naniwa Wire Rope Mfg. Co., Ltd./Mitsui & Co., Ltd.	*0
Naniwa Wire Rope Mfg. Co., Ltd./All exporters other than Mitsui or Higashishiba	*9.68
Nankai Senshu Steel Wire & Rope Co., Ltd./Sumitomo Shoji Kaisha Ltd. (also known as Sumitomo Corp.)	7.29
Nanri Trading Co., Ltd.	7.29
Nihon (or Nippon) Miniature Rope Mfg. Co., Ltd./Kin-yo Co., Ltd.	7.29
Nihon (or Nippon) Miniature Rope Mfg. Co., Ltd./S.M. Industries, Inc.	7.29
Nihon (or Nippon) Miniature Rope Mfg. Co., Ltd./Yutoku & Co., Ltd.	7.29
Nikko (Seiko) Steel Wire Rope Mfg. Co., Ltd./Daimyo Bussan Co., Ltd.	7.29
Nikko (Seiko) Steel Wire Rope Mfg. Co., Ltd./F.A. Industries Corp.	7.29
Nikko (Seiko) Steel Wire Rope Mfg. Co., Ltd./Union Co., Ltd.	7.29
Nippon Steel Wire Rope Mfg. Co., Ltd./Higashishiba & Co., Ltd.	7.29
Nippon Steel Wire Rope Mfg. Co., Ltd./Mitsui & Co., Ltd.	*0
Nippon Wire & Rope Co., Ltd.	7.29
Nishimura Wire Rope Mfg. Co., Ltd./Kin-yo Co., Ltd.	7.29
Nishimura Wire Rope Co., Ltd./K-M Int'l.	7.29
Nishiya Wire Rope Co., Ltd./Mitsui & Co., Ltd.	*0
Nissei Sangyo Co., Ltd.	7.29
Nishi-Nippon Fujikura Co., Ltd.	*5.68
Nobuhara Mfg. & Supply Co.	7.29
Ryoei Shoji Co., Ltd.	7.29
Sakai & Co., Ltd.	*5.68
Saski Kogyo Yugen Kaisha Co., Ltd.	7.29
Seiko Wire Rope Co., Ltd./Kin-yo Co., Ltd.	7.29
Seiko Wire Rope Co., Ltd./Kohshin Co., Ltd.	7.29
Seiko Wire Rope Co., Ltd./Koutoku Trading Co., Ltd.	7.29
Seiko Wire Rope Co., Ltd./Okura & Co., Ltd.	7.29
Seiko Wire Rope Co., Ltd./S.M. Industries, Inc.	7.29
Seo Hardware Corp.	*9.68
Shibamoto & Co., Ltd.	*5.68
Shimada & Co., Ltd.	*5.68
Shinko Wire Co., Ltd./Kanematsu-Gosho Ltd.	*0
Shinko Wire Co., Ltd./Mitsui & Co., Ltd.	*0
Shinko Wire Co., Ltd./Nissho-Iwai	*0
Shinko Wire Co., Ltd./Shinsho Corp.	0
Shinyo Ropes Co., Ltd./Higashishiba & Co., Ltd.	7.29
Shinyo Ropes Co., Ltd./Mitsui & Co., Ltd.	*0
Shinyo Ropes Co., Ltd./S.M. Industries, Inc.	*4.62
Shinyo Ropes Co., Ltd./Yutoku & Co., Ltd.	0
Showa Boeki Co., Ltd.	*5.68
Sumiyoshi Kinzoku Kogyo	7.29
Taiho Seikosho Co., Ltd./Kin-yo Co., Ltd.	7.29
Taiyo Seiki (Iron Works) Co., Ltd./Far East Industrial Co., Ltd.	7.29
Y. Takeuchi and Co.	7.29
Tanaka Metals Corp.	*5.68
Teikoku Sangyo Co., Ltd./Sumitomo Corporation (Sumitomo Shoji Kaisha, Ltd.)	7.29
Teikoku Sangyo Co., Ltd./The Tosho Co., Ltd.	7.29
Teikoku Sangyo Co., Ltd./Mitsui & Co., Ltd.	7.29
Teikoku Sangyo Co., Ltd./Mitsubishi Corp.	7.29
Teikoku Sangyo Co., Ltd./Nissho-Iwai	7.29
Teikoku Sangyo Co., Ltd./Watanabe Trading Co., Ltd.	7.29
Tokyo Rope Mfg. Co., Ltd./Alaska Boeki, Ltd.	*7.29
Tokyo Rope Mfg. Co., Ltd./C. Itoh & Co., Ltd.	*2.21
Toyo Sangyo Co., Ltd.	7.29
Ui Steel Products Works Ltd.	7.29
Union Wire Rope Mfg. Co., Ltd./Sanyu Bussan Kaisha, Ltd.	2.23
Yamasho Co., Ltd.	7.29
Yuasa Trading Co., Ltd.	*5.68
Mfr./Third-Country Reseller (Country)	
Daishin Shoji Co., Ltd./Vanguard Steel Ltd. (Canada)	7.29
Igeta Wire Rope Co., Ltd./Wesco Industries Ltd. (Canada)	7.29
Shinyo Ropes Co., Ltd./ Vanguard Steel Ltd. (Canada)	7.29
Tokyo Rope Mfg. Co., Ltd./Wesco Industries Ltd. (Canada)	7.29

*No shipments during the period.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. Any request for an administrative protection order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing. The Department shall determine, and the Customs Service shall assess, dumping duties on all appropriate entries made with purchase dates during the period. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions directly to the Customs Service.

Further, as provided for by section 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based upon the above margins shall be required. Since the weighted-average margin for the manufacturer/exporter combination Marusen Wire Rope Mfg. Co./Yutoku & Co., Ltd. is less than 0.50 percent and, therefore, *de minimis* for cash deposit purposes, the Department shall waive the deposit requirement for shipments of steel wire rope from these firms. For any future entries from a new exporter not covered in this or prior reviews, whose first shipments of steel wire rope occurred after September 30, 1982 and who is unrelated to any reviewed firm, a cash deposit of 7.29 percent shall be required. These deposit requirements and waiver are effective for all shipments of Japanese steel wire rope entered, or withdrawn from warehouse, for consumption on or after the date of

publication of the final results of this review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Dated: November 28, 1983.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-32337 Filed 12-2-83; 8:45 am]

BILLING CODE 3510-DS-M

Georgia Institute of Technology; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C.

Docket No.: 83-257. Applicant: Georgia Institute of Technology, 225 North Avenue, Atlanta, GA 30332. Instrument: Type VKQ, 242OM Extended Interaction Oscillator. Manufacturer: Varian Canada, Canada. Intended use: See notice at 48 FR 36506.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides more than the required power output (75 watts at 35 gigahertz) of millimeter wave radiation. The National Institutes of Health advises in its memorandum dated October 12, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 83-32339 Filed 12-2-83; 8:45 am]

BILLING CODE 3510-DS-M

Mt. Sinai School of Medicine; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.

Docket No. 83-259. Applicant: Mt. Sinai School of Medicine, Dept. of Physiology, Annenberg Building 21-26, One Gustave L. Levy Place, New York, NY 10029. Instrument: Voltage-Current Clamp. Microelectrode Amplifier and Digital Control Unit. Manufacturer: Vertrieb Biomedizinischer Gerate, West Germany. Intended use: See notice at 48 FR 36506.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides measurement of transmembrane electrical parameters involved in a basic study of ion transport across bladder cell membrane.

Constant monitoring of electrode resistance is required. The National Institutes of Health advises in its memorandum dated October 12, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 83-32341 Filed 12-2-83; 8:45 am]

BILLING CODE 3510-DS-M

Mt. Sinai School of Medicine; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.

Docket No.: 83-258. Applicant: Mt. Sinai School of Medicine, Dept. of Physiology, Annenberg Building 21-26, One Gustave L. Levy Place, New York, NY 10029. Instrument: Micromanipulator, Type Frankenberger. Manufacturer: Vertrieb Biomedizinischer Gerate, West Germany. Intended use: See notice at 48 FR 36506.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument permits precise electrode placement within epithelial cell membranes. It provides displacements accurate to 0.25 micrometers in both forward and reverse movements. The National Institutes of Health advises in its memorandum dated October 12, 1983 that (1) The capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 83-32340 Filed 12-2-83; 8:45 am]

BILLING CODE 3510-DS-M

Scripps Clinic and Research Foundation; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C.

Docket No. 83-251. Applicant: Scripps Clinic and Research Foundation, Department of Immunology, 10666 North

Torrey Pines Road, La Jolla, CA 92037. Instrument: LKB 2258–041 PMV Cryo-Microtome, Type 160 MP and Accessories. Manufacturer: LKB Produkter, Sweden. Intended use: See notice at 48 FR 36505.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides the capability to uniformly section large (150 x 160 millimeter) frozen specimens from human tissues and organs as well as sections of small animals (e.g. rat). The National Institutes of Health advises in its memorandum dated October 12, 1983 that (1) The capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrumental or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 83-32338 Filed 12-2-83; 8:45 am]

BILLING CODE 3510-DS-M

DEPARTMENT OF COMMERCE

International Trade Administration

DEPARTMENT OF THE INTERIOR

Office of International and Territorial Affairs

Proposed Limit on Duty-Free Insular Watches in Calendar Year 1984

Public Law 97–446, enacted January 12, 1983, requires the Secretaries of Commerce and the Interior, acting jointly, to establish a limit on the quantity of watches and watch movements which may be entered free of duty during each calendar year. The law also requires the Secretaries to establish the shares of this limited quantity which may be entered from the Virgin Islands, Guam, and American Samoa.

The Departments propose to establish for calendar year 1984 a total quantity and respective territorial shares which are unchanged from the respective amounts in calendar year 1983. The Virgin Islands share would be 3,000,000 units; Guam, 1,200,000; and American Samoa, 600,000, for a total calendar year 1984 amount of 4,800,000 units.

Comments on this proposal must be received at the following address prior to close of business on January 3, 1984: Statutory Import Programs Staff, Rm. 1523, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230.

Frank W. Creel,

Acting Director, Statutory Import Programs Staff, Import Administration.

[FR Doc. 83-32303 Filed 12-2-83; 8:45 am]

BILLING CODE 3510-DS; 4310-10-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting Import Limits for Certain Cotton, Wool and Man-Made Fiber Apparel Products Exported From Thailand; Correction

November 29, 1983.

On November 2, 1983 a notice was published in the **Federal Register** (48 FR 50596) which applied flexibility to a number of categories of cotton, wool and man-made fiber apparel products, including Category 317, produced or manufactured in Thailand and exported during 1983. In the letter to the Commissioner of Customs which followed that notice the units amount indicated for the level established for Category 317 should be corrected to read "square yards."

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-32304 Filed 12-2-83; 8:45 am]

BILLING CODE 3510-DR-M

Announcing a New Limit on Certain Cotton Textile Products from Hong Kong

November 30, 1983.

On October 18, 1983, a notice was published in the **Federal Register** (48 FR 48274) announcing that the Government of the United States had requested consultations with the Government of Hong Kong concerning cotton printcloth in Category 315 under the terms of the Bilateral Cotton, Wool and Man-made Fiber Textile Agreement of June 23, 1982, as amended.

The purpose of this notice is to announce that consultations on this category were held October 27–28 and November 7–14, 1983 and a limit of 7,462,678 square yards was established for 1983 under the terms of the bilateral agreement.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-32306 Filed 12-2-83; 8:45 am]

BILLING CODE 3510-DR-M

Cancelling Import Controls on Certain Cotton Textile Products Produced or Manufactured in Haiti

November 29, 1983.

On October 3, 1983 a notice was published in the **Federal Register** (48 FR 45142) announcing that the Government of the United States had decided, under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of March 25 and April 1, 1982 with the Government of Haiti to control imports of cotton apparel products in Categories 336 (cotton dresses) and 351 (cotton nightwear), effective on October 3, 1983. The purpose of this notice is to announce that, inasmuch as this agreement expires and will be renegotiated early in 1984, the United States Government has concluded that there is no purpose to be served in maintaining these controls in the meantime and has so notified the Government of Haiti. Accordingly, in the letter published below the Chairman of the Committee for the Implementation of Textile Agreements is cancelling the letter of September 29, 1983 to the Commissioner of Customs which established these controls.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

United States Department of Commerce, International Trade Administration,
Washington, D.C.

November 29, 1983.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Effective on December 5, 1983, the letter of September 29, 1983 which established levels of restraint for cotton textile products in Categories 336 and 351, produced or manufactured in Haiti and exported on and after June 29, 1983 and for the period extending through June 28, 1984, is cancelled.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 533.

This letter will be published in the **Federal Register.**

Sincerely,
Walter C. Lenahan,
Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-32305 Filed 12-2-83; 8:45 am]
BILLING CODE 3510-DR-M

COMMODITY FUTURES TRADING COMMISSION

Chicago Board of Trade Amex Major Market Index and Amex Market Value Index Futures Contracts

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures contracts.

SUMMARY: The Chicago Board of Trade ("CBT") has applied for designation as a contract market in both the Amex Major Market Index ("MMI") and Amex Market Value Index ("MVI"). The Commodity Futures Trading Commission ("Commission") has determined that the terms and conditions of the proposed futures contracts are of major economic significance and that, accordingly, making available the proposed contracts for public inspection and comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act..

DATE: Comments must be received on or before February 3, 1984.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Reference should be made to the CBT Amex MMI and Amex MVI futures contracts.

FOR FURTHER INFORMATION CONTACT: Ronald Hobson, Division of Economic and Education, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. (202) 254-7303.

The Chicago Board of Trade has applied to the Commission for designation as a contract market in the Amex Major Market Index and Amex Market Value Index. Although the Commission has determined to publish the terms and conditions of those contracts in order to elicit the views of interested persons, this action by the Commission does not in any way reflect a determination that designation of the CBT as a contract market in these commodities would be in conformity with the requirements of the Commodity Exchange Act ("Act").[1]

Copies of the terms and conditions of the CBT's proposed Amex MMI and Amex MVI futures contracts will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254-6314.

Other materials submitted by the CBT in support of its applications for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1982)), except to the extent that they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOIA, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed futures contracts, or with respect to other materials submitted by the CBT in support of its applications, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, by February 3, 1984. Such comment letters will be publicly available except to the extent that they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C. on November 29, 1983.

Jane K. Stuckey,
Secretary of the Commission.

[FR Doc. 83-32302 Filed 12-2-83; 8:45 am]
BILLING CODE 6351-01-M

[1] In this connection, the Commission's Division of Trading and Markets has recently completed and transmitted to the CBT a report concerning selected aspects of that Exchange's rule enforcement programs. That report identified serious deficiencies in the CBT's rule enforcement program which, the Division has advised the CBT, could call into question whether that Exchange can meet its burden under Sections 5 and 6 of the Act (7 U.S.C. 7, 8) to demonstrate compliance with the requirements for designation as a contract market under the Act. The Division expects the CBT to respond to the deficiencies identified in its report within the next 60 days.

DEPARTMENT OF DEFENSE

Office of the Secretary

DOD Commercial Activities Inventory Report and Five Year Review Schedule for Fiscal Year 1982

AGENCY: Office of the Secretary of Defense.

ACTION: Notice.

SUMMARY: This notice announces the publication of the DoD Commercial Activities Inventory Report and Five Year Review Schedule for Fiscal Year 1982. This document may be obtained by writing to the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, referring to stock number 1983 0-418-474, and enclosing a check in the amount of 16.00, payable to the Superintendent of Documents.

SUPPLEMENTARY INFORMATION: This document is published under the provisions of OMB Circular A-76 which requires the Department of Defense to publish an annual inventory report of commercial activities, both in-house and contract support services. The OMB also requires that the Department of Defense publish a 5 year schedule for reviewing all in-house and contract commercial activities. The purpose of the review is to detemine whether the contract method of operation should continue or whether an in-house versus contract cost comparison should be performed to determine the most cost effective method of operation.

Dated: November 30, 1983.

M. S. Healy,
OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 83-32323 Filed 12-2-83; 8:45 am]
BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 7326-000]

China Flat Co.; Suspending 120-Day Period for Action on Small Hydro Exemption

November 30, 1983.

China Flat Company has filed an application for exemption for the proposed China Creek Project No. 7326, to be located on China Creek in the Trinity River Basin in Humboldt County, California. The application was filed pursuant to Section 408 of the Energy Security Act of 1980, and section, 2705

and 2708 *as amended* of the Commission's regulations.

Having determined that additional time is necessary for action on the application in order to insure full consideration of all information and comments that have been received, the 120-day period for Commission action is suspended pursuant to § 4.105(b)(5)(iv).

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-32343 Filed 12-2-83; 8:45 am]

BILLING CODE 6717-01-M

Midwest Gas Users Association v. Northwest Central Pipeline Corp.; Amended Complaint and Notice of Extension of Time To File Answer

[Docket Nos. RP83-42-000, RP82-114-000, RP83-75-000, and RP83-98-000]

November 23, 1983.

On November 2, 1983, Midwest Gas Users Association (Midwest) filed an amended complaint in the above-docketed proceeding. In its filing, Midwest amends a complaint filed January 24, 1983, involving Northwest Central Pipeline Corporation's (NCP) take-or-pay obligations. The original complaint was noticed by the Commission on March 15, 1983, in Docket No. RP83-42-000 and was later set for hearing and consolidated with Docket Nos. RP82-114-000, et al. pursuant to a Commission order issued April 11, 1983.

On November 17, 1983, NCP filed a motion for an extension of time to file an answer to Midwest's amended complaint. In its motion, NCP requests that an extension be granted in order to allow for further settlement discussions between the parties to this proceeding. NCP's motion further states that Midwest, Amoco Production Company, Wamsutter Limited Partnership, Moxa Limited Partnership, The Gas Service Company, General Motors Corporation, the Kansas State Corporation Commission and Commission Staff support this extension request.

Upon consideration, notice is hereby given that an extension of time for the filing of an answer to the amended complaint is granted to and including January 2, 1984.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-32344 Filed 12-2-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-766-000]

New England Power Pool; Order Accepting for Filing and Suspending Proposed Amendment, Granting Intervention, Denying Request To Reject Amendment, Denying Request for Expedited Hearing, and Establishing Procedures

Issued: November 30, 1983.

On September 26, 1983, New England Power Pool (NEPOOL) tendered for filing an amendment to Section 4.2 of the existing NEPOOL Agreement, to become effective as of December 1, 1983.[1] The Massachusetts Municipal Wholesale Electric Company (MMWEC)[2] filed a timely protest, motion to intervene, motion for summary disposition or rejection of the filing, and an alternative request for a maximum suspension and for an expedited hearing.[3] Specifically, MMWEC requests that the Commission disapprove the proposed amendment or, in the alternative, suspend the amendment for five months from the proposed effective date and initiate expedited hearings. In addition, on October 25, 1983, the Public Service Board of the State of Vermont and Mr. Lawrence J. Guay, Representative in the House of Representatives of the State of New Hampshire, filed untimely interventions. Representative Guay has requested a maximum suspension and a hearing. NEPOOL filed an answer to MMWEC's pleading on November 8, 1983.

Background

NEPOOL's proposed amendment seeks to change Section 4.2 of the NEPOOL Agreement to make clear that a transfer by a pool participant to an affiliate of an entitlement interest in a generating unit will not be recognized, for pool purposes, if such transferee has a "zero adjusted load" or has a system generating capability which bears no reasonable relationship to its adjusted load.[4] NEPOOL states that this amendment is necessary to assure the equitable sharing among NEPOOL participants of costs and benefits contemplated by the NEPOOL Agreement.

MMWEC is a bulk power supplier for its 34 Massachusetts municipal system members. As part of their power supply arrangements, 25 of these systems own unit entitlements in the Stony Brook Intermediate Unit and the Stony Brook Peaking Unit (pool-planned generating facilities constructed by MMWEC). The members' present Stony Brook entitlements exceed their current capacity needs and MMWEC has retained this surplus capacity itself for purposes of making short-term unit entitlement sales to other NEPOOL participants. On June 4, 1982, the NEPOOL Executive Committee rules that MMWEC's retention of this excess capacity would not be recognized for pool purposes. MMWEC challenged this determination before the NEPOOL Management Committee, but the appeal was rejected. The dispute was then submitted to arbitration[5] and the ruling has been stayed pending decision in the arbitration proceeding. MMWEC contends that NEPOOL's proposed amendment represents an attempt to reinstate the Executive Committee's original June 4, 1982 ruling.

According to MMWEC, the proposed amendment would preclude the recognition by NEPOOL of entitlements transferred by MMWEC's members to MMWEC. MMWEC complains that, if accepted, the amendment would require MMWEC's members to pay duplicate charges for transmission of unused MMWEC generating capacity.[6]

[1] The submittal is designated as follows: NEPOOL, Supplement No. 38 to Rate Schedule FPC No. 2.

[2] MMWEC filed the motion on behalf of itself and the following member systems: Ashburnham, Belmont, Boylston, Braintree, Chicopee, Concord, Danvers, Georgetown, Groton, Hingham, Holden, Holyoke, Hudson, Hull, Ipswich, Littleton, Mansfield, Marblehead, Merrimac, Middleborough, Middleton, North Attleborough, Paxton, Peabody, Princeton, Reading, Rowley, Shrewsbury, South Hadley, Sterling, Templeton, Wakefield, West Boylston, and Westfield. Of MMWEC's 34 members, 33 are also members of NEPOOL and signatories to the NEPOOL Agreement. Only Belmont is not a NEPOOL participant.

[3] Notice of the filing was published in the **Federal Register**, with comments due on or before October 24, 1983.

[4] Under the NEPOOL Agreement, "adjusted load" is the participants' load less kilowatts received pursuant to a firm contract. "System capability" is defined as the sum of the maximum winter dependable load carrying capabilities in kilowatts of a participant's entitlements in electric generating units.

[5] Pursuant to § 16.1 of the NEPOOL Agreement.

[6] Under the NEPOOL Agreement, participants with entitlements in off-system generating units incur reservation charges for pool transmission facilities which are made available to integrate the capacity entitlements into native service areas. Apparently, MMWEC members with capacity entitlements in excess of their loads incur pool transmission reservation charges even though the transmission facilities may often be unused. MMWEC also alleges that sales of its members' excess entitlement capacity to non-MMWEC systems results in still additional pool transmission charges. MMWEC believes that, if entitlements of individual MMWEC members are assigned to MMWEC itself, which has no load as defined by NEPOOL, the pool transmission reservation charges should be reduced or eliminated.

MMWEC estimates that the amendment would increase transmission charges to MMWEC members by approximately $600,000 per year.[7] It is MMWEC's position that it alone will be adversely affected in this way and that the amendment is unduly discriminatory and thus prohibited by Section 16.11 of the NEPOOL Agreement.[8] MMWEC urges rejection of the amendment based on Section 16.11, the allegedly discriminatory nature of the filing, and the purported failure by NEPOOL to satisfy the Commission's filing requirements for a rate increase.

If the amendment is not rejected, MMWEC requests a five month suspension and an expedited hearing. MMWEC submits that expedition is necessary because it will not be able to compete in the market for short-term power sales if it incurs the additional transmission charges and because refunds would not compensate MMWEC for lost short-term sales.

In its November 8 answer, NEPOOL objects to MMWEC's requests for rejection of the filing or a maximum suspension and an expedited hearing. NEPOOL denies that the proposed amendment applies only to MMWEC and its members and challenges MMWEC's characterization of the filing as discriminatory. Thus, NEPOOL disagrees with the proposition that the filing is violative of Section 16.11 of the NEPOOL Agreement. Similarly, NEPOOL disputes a contention by MMWEC that the filing represents a rate increase requiring cost of service support. As to the question of suspension, NEPOOL asserts that MMWEC has not made a case for deferring the effectiveness of the amendment for five months, and further contends that a maximum suspension would enable MMWEC or similarly situated pool participants to "continue their avoidance of payments." While NEPOOL expresses a willingness to cooperate in efforts to process this case promptly, it asserts that a formally expedited schedule is not likely to prove productive given the commitments of various witnesses and counsel in other proceedings.

[7] MMWEC bases its estimate on bills received both before and after the Executive Committee's June 4, 1982 ruling. However, the effect of the ruling has been stayed, as noted above.

[8] Section 16.11 provides that, upon execution of an amendment by the required number of pool Participants, the change will take effect despite objections by other Participants so long as it ". . . does not impose a burden on such remaining Participants which is materially different in nature or materially greater in degree than that imposed on the Participants which have agreed to such amendment."

Discussion

Under Rule 214(c)(1) of the Commission's Rules of Practice and Procedure, the timely motion to intervene serves to make MMWEC a party to this proceeding. In addition, we find that good cause exists to grant the untimely interventions by the Vermont Public Service Board and Representative Guay. Given the short delay in filing and the early stage of this proceeding, the late interventions should not prejudice any party or unduly delay this case.

While a NEPOOL participant is not precluded from challenging an amendment to the NEPOOL Agreement before a court or regulatory agency, the Agreement does not provide a procedure to resolve disputes concerning an adopted amendment. Absent such a procedure and because we find that MMWEC has raised questions of law or fact which should be considered at an evidentiary hearing, we shall deny the request by MMWEC to reject the amendment.[9]

Our preliminary review indicates that the NEPOOL amendment has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept NEPOOL's submittal for filing and suspend it as ordered below. We shall not, however, order an expedited hearing. While we believe that all hearings should be conducted with due diligence, the Commission has formally ordered expedited hearings in only a few cases such as where a utility sought to terminate service or to materially alter the character of service in such a way as to affect the reliability of service.[10] Such circumstances are not present in the instant docket.

[9] MMWEC contends that the amendment represents a rate increase inasmuch as MMWEC's members would incur additional transmission charges of about $600,000 annually and that, therefore, NEPOOL is required to submit cost statements and additional information under § 35.13(a)(1) of the Commission's regulations. NEPOOL, however, states that the amendment does not change any charges contained in the NEPOOL Agreement and, in fact, serves only to clarify the practices presently required under the Agreement. The Commission agrees that NEPOOL has not increased any rate contained in the NEPOOL Agreement and that cost of service statements under § 35.13 are not required. Accordingly, there is no basis for rejecting NEPOOL's submittal based on non-compliance with the regulations.

[10] *See, e.g., Cleveland Electric Illuminating Company*, Docket No. ER83-138-000, 22 FERC ¶ 61,016 (1983) where the company proposed to eliminate short-term and limited-term emergency service; *Louisiana Power & Light Company*, Docket No. ER81-457-000, 16 FERC ¶ 61,019 (1981), where the company sought to replace full requirements service with interchange service, effectively terminating the availability of full requirements service to a non-generating municipal with no alternative sources; *Union Electric Company*, Docket No. ER79-435-000, 8 FERC § 61,157 (1979), where the company sought to terminate service over the objections of the purchasing municipal.

In *West Texas Utilities Co.*, Docket No. ER2-223-000, 18 FERC ¶ 61,189 (1982), the Commission explained its suspension policy largely in the context of filings involving an increase in rate level. In the instant case, we are not presented with a rate question *per se*. Rather, we are asked to consider a potentially discriminatory mechanism for apportioning benefits and costs under a pooling agreement. Given the concerns expressed by MMWEC as well as the absence of an internal mechanism within NEPOOL for resolving such disputes and the potentially adverse effect on MMWEC, we shall suspend operation of the amendment for five months, to become effective on May 1, 1984, with any additional charges resulting from the amendment to be thereafter subject to refund.

The Commission orders:

(A) The untimely interventions by the Public Service Board of the State of Vermont and Mr. Lawrence J. Guay are hereby granted subject to the Commission's Rules of Practice and Procedure.

(B) MMWEC's request to reject the proposed NEPOOL amendment is hereby denied.

(C) NEPOOL's proposed amendment is hereby accepted for filing and suspended for five months from the proposed effective date, to become effective on May 1, 1984, subject to refund.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of NEPOOL's proposed amendment.

(E) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days from the date of this order, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Such conference shall be held for purposes of establishing a procedural schedule, including a date for the

submittal of testimony and exhibits by NEPOOL. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(F) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-32345 Filed 12-2-83; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPPE-FRL-2481-4]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) requires the Agency to publish in the **Federal Register** a notice of proposed information collection requests that have been forwarded to the Office of Management and Budget (OMB) for review. The information collection requests listed are available to the public for review and comment.

FOR FURTHER INFORMATION CONTACT: David Bowers; Office of Standards and Regulations; Information Management Section (PM-223); U.S. Environmental Protection Agency; 401 M Street, SW.; Washington, D.C. 20460; telephone (202) 382-2742 or FTS 382-2742.

SUPPLEMENTARY INFORMATION:

Hazardous Waste Programs

• Title: Update of Hazardous Waste Part A Application (EPA #0072).

Abstract: Hazardous waste facilities in "interim status" must report to EPA planned changes in their process for treatment, storage or disposal. In some cases facilities must gain EPA consent for the changes.

Respondents: Owners and operators of hazardous waste management facilities.

• Title: Notification of Hazardous Waste Activity (EPA #0261).

Abstract: Respondents must notify EPA regional offices of intentions to engage in hazardous waste management activities so that EPA can maintain an inventory of those activities.

Respondents: Hazardous waste treatment, storage and disposal facilities, generators and transporters.

• Title: Phase III Groundwater Monitoring Implementation Study (EPA #1006).

Abstract: The Agency will conduct one-time interviews with the EPA Regions, States and hazardous waste facilities to develop a comprehensive overview of the RCRA interim status groundwater monitoring program. The Agency will use the information to help solve problems and inconsistencies within the program.

Respondents: Hazardous waste control State personnel and hazardous waste management officials.

Agency PRA Clearance Requests Completed by OMB

EPA #0160, Pesticides Report for Pesticide-Producing Establishments, was cleared November 14 (OMB #2000-0029).

EPA #0794, Notification of Substantial Risks Pursuant to Section 8(e) of TSCA, was cleared November 14 (OMB #2000-0369).

EPA #0823, Supplementary Report on Oil or Hazardous Substances Spill, was cleared November 14 (OMB #2040-0052).

EPA #0852, PMN Exemption for Site-Limited/Low-Volume Chemicals, was disapproved November 15.

* * * * *

Comments on all parts of this notice should be sent to:

David Bowers (PM-223), U.S. Environmental Protection Agency, Office of Standards and Regulations, 401 M Street, S.W., Washington, D.C. 20460; and

Vartkes Broussalian, Wayne Leiss or Carlos Tellez, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3228), 726 Jackson Place, N.W., Washington, D.C. 20503.

Dated: November 28, 1983.

Daniel J. Fiorino,

Chief, Regulation Management Staff.

[FR Doc. 83-32221 Filed 12-2-83; 8:45 am]

BILLING CODE 6560-50-M

[AAA-FRL 2482-1]

Performance Review Board; Appointments

AGENCY: Environmental Protection Agency.

ACTION: Notice of appointments to the Performance Review Board.

SUMMARY: This Notice announces the appointment by the Administrator of the Environmental Protection Agency of individuals who will serve on and constitute the Agency's Performance Review Board, as provided for in Section 4314 of Title 5, United States Code.

The purpose of the Performance Review Board is to review senior executive appraisals and to make recommendations to the Administrator concerning performance of senior executives in the Agency and performance awards.

ADDRESSES: The names, titles, and addresses of the individuals now appointed or reappointed to the EPA Performance Review Board are as follows:

1. Mr. Herbert Barrack, Assistant Regional Administrator for Policy and Management, Region II, Environmental Protection Agency, New York, New York 10007
2. Mr. William J. Benoit, Director, Office of Administration, Cincinnati, Office of Administration and Resources Management, Environmental Protection Agency, Cincinnati, OH 45268
3. Mr. Gerald A. Bryan, Director, Office of Management Operations, Office of Enforcement and Compliance Monitoring, Environmental Protection Agency, Washington, D.C. 20460
4. Mr. Don Clay, Director, Office of Toxic Substances, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Washington, D.C. 20460
5. Mr. Roger S. Cortesi, Deputy Director, Office of Health Research, Office of Research and Development, Environmental Protection Agency, Washington, D.C. 20460
6. Mr. Lewis S. Crampton, Director, Office of Management Systems and Evaluation, Office of Policy, Planning and Evaluation, Environmental Protection Agency, Washington, D.C. 20460
7. Mr. Charles N. Freed, Director, Manufacturers Operations Division, Office of Mobile Sources, Office of Air, Noise and Radiation, Environmental Protection Agency, Washington, D.C. 20460
8. Ms. Lisa K. Friedman, Assistant General Counsel for Solid Waste and Emergency Response, Office of General Counsel, Environmental Protection Agency, Washington, D.C. 20460
9. Mr. Clarence Hardy, Director, Personnel Management Division, Office of Administration and

Resources Management, Environmental Protection Agency, Washington, D.C. 20460
10. Mr. Jack W. McGraw, Deputy Assistant Administrator, Office of Solid Waste and Emergency Response, Environmental Protection Agency, Washington, D.C. 20460
11. Mr. William Rice, Deputy Regional Administrator, Region VII, Environmental Protection Agency, Kansas City, MO 64106
12. Mr. Richard Sanderson, Deputy Assistant Administrator, Office of External Affairs, Environmental Protection Agency, Washington, D.C. 20460
13. Mr. Nathaniel Scurry, Director, Office of Civil Rights, Office of the Administrator, Environmental Protection Agency, Washington, D.C. 20460
14. Mr. William A. Whittington, Deputy Director, Office of Water Program Operations, Office of Water, Environmental Protection Agency, Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT: Persons desiring any further information about the Environmental Protection Agency Performance Review Board may contact Mr. Clarence Hardy, Director, Personnel Management Division, Environmental Protection Agency, Washington, D.C. 20460; telephone (202) 382-3300.

Alvin L. Alm,

Acting Administrator.

[FR Doc. 83-32321 Filed 12-2-83; 8:45 am]

BILLING CODE 6560-50-M

[Docket No. OPTS-51490; BH-FRL 2458-5]

Toxic Substances Control; Certain Chemicals; Premanufacture Notices

Correction

In FR Doc. 83-29460 beginning on page 50951 in the issue of Friday, November 4, 1983, make the following corrections:

1. On page 50953, third column, under **PMN 84-69**, *Toxicity Data*, fourth line, "LC_{1000}" should have read "LC_{100}".

2. On page 50954, middle column, under **PMN 84-75**, *Use/Production*, third line, "7,500" should have read "75,000".

BILLING CODE 1505-01-M

[OPTS-51491; BH-FRL-2464-4]

Toxic Substances Control; Premanufacture Notices; Certain Chemicals

Correction

In FR Doc. 83-29868 beginning on page 50944 in the issue of Friday, November 4, 1983, make the following corrections:

1. On page 50948, third column, in "PMN 84-150", the fifth and sixth lines of "Toxicity Data" should have read: "(Water flea)—>1,000 mg/ L; LC_{50} 96 hr (Fathead minnow)—>1,000".

2. On page 50950, third column, in "PMN 84-179", the *"Chemical"* paragraph should have read as follows:

"Chemical. (G) Substituted-phenyl-N-substitutedamino monochlorotriazinylamino substituted-sulfophenylazobenzylidenehydrazino sulfobenzoate-copper sulfate, sodium salt."

BILLING CODE 1505-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Dominion Bankshares Corp., et al; Proposed de novo Nonbank Activities

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competitions, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Dominion Bankshares Corporation,* Roanoke, Virginia (mortgage banking; insurance activities; Virginia): To engage *de novo* through its subsidiary, Dominon Bankshares Mortgage Corporation, in mortage banking activities of originating residential, commercial, industrial, and construction loans for its own account and for sale to others, servicing such loans for others, and in the sale of credit life insurance, credit accident and health insurance, credit disability, mortgage redemption and mortgage accident and health insurance in connection with such mortgage loans; and to engage *de novo* through its subsidiary, Dominion Bankshares Services, Inc., in acting as insurance agent or broker with respect to credit life insurance, credit accident and health insurance, credit disability, mortgage redemption and mortgage accident and health insurance related to or arising out of loans made or credit transactions involving Dominion Bankshares Mortgage Corporation. These activities would be conducted from an office in Fairfax County, Virginia, and serve the Washington, D.C.-Maryland-Virginia Metropolitan Statistical Area. Comment on this application must be received not later than December 21, 1983.

B. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *First American Bancshares, Inc.,* North Little Rock, Arkansas (insurance activities, central Arkansas): To engage through its subsidiary First American Life Insurance Company, in the underwriting of credit life and credit accident and health insurance directly related to its extensions of credit by its subsidiaries. These activities would be performed primarily in the counties of Pulaski, Saline, Lonoke, and Garland Counties, Arkansas, serving these counties. Comments on this application must be received not later than December 21, 1983.

2. *Mid-South Bancorp, Inc.,* Franklin, Kentucky (insurance activities; Kentucky and Tennessee): To act, through its subsidiary Mid-South Credit Insurance Services, Inc., as agent for the sale of life and health insurance directly related to extensions of credit by Simpson County Bank, Franklin, Kentucky, its subsidiary. These activities would be conducted in the trade area of the Simpson County Bank in Kentucky (Logan, Warren, Allen and Simpson Counties) and Tennessee (Robertson and Summer Counties). Comments on this application must be

received not later than December 23, 1983.

Board of Governors of the Federal Reserve System, November 28, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-32281 Filed 12-2-83; 8:45 am]

BILLING CODE 6210-01-M

First Sharp County Bancshares, Inc., et al.; Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *First Sharp County Bancshares, Inc.*, Ash Flat, Arkansas; to become a bank holding company by acquiring 80 percent or more of the voting shares of First National Bank of Sharp County, Ash Flat, Arkansas. Comments on this application must be received not later than December 28, 1983.

2. *Springfield Bankshares, Inc.*, Springfield, Kentucky; to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to the Springfield State Bank, Springfield, Kentucky. Comments on this application must be received not later than December 21, 1983.

3. *Spurgeon Financial Corporation*, Spurgeon, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares of The Spurgeon State Bank, Spurgeon, Indiana. Comments on this application must be received not later than December 28, 1983.

Board of Governors of the Federal Reserve System, November 29, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-32278 Filed 12-2-83; 8:45 am]

BILLING CODE 6210-01-M

Omaha National Corp.; Merger of Bank Holding Companies

Omaha National Corporation, Omaha, Nebraska, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 18429(a)(5)) to merge with First National Lincoln Corp., Lincoln, Nebraska, and thereby acquire control of First National Bank and Trust Company of Lincoln, Lincoln, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 28, 1983. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 28, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-32280 Filed 12-2-83; 8:45 am]

BILLING CODE 6210-01-M

Old Stone Corp.; Proposed Acquisition of Old Stone Mortgage Corporation

Old Stone Corporation, Providence, Rhode Island, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Old Stone Mortgage Corporation, Seattle, Washington.

Applicant states that the proposed subsidiary would engage in mortgage banking activities (making or acquiring or servicing mortgage loans and other extensions of credit) and insurance activities (acting as agent or broker with respect to credit life, accident and health policies in connection with extensions of credit). These activities would be performed from offices of Applicant's subsidiary in Seattle, Washington, and branches in the northwestern and northeastern United States and the geographic areas to be served are Washington, Oregon, Idaho, Nevada, California, Colorado, Utah, Minnesota, Texas, Montana, Connecticut, New Hampshire, and Massachusetts. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston.

Any person wishing to comment on the application should submit views in writing to be received by the Reserve Bank not later than December 29, 1983.

Board of Governors of the Federal Reserve System, November 29, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-32279 Filed 12-2-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Statement of Organization, Functions, and Delegations of Authority

Part A, Chapter AHP (Office of Personnel) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (45 FR 72290, October 31, 1980) is amended to reflect a realignment of functions in the Office of Personnel. In

the Office of Personnel Policy and Communications, the Performance Management Division is abolished, the Division of Compensation is renamed the Division of Compensation and Performance Management, and the functions of the Division of Organization and Employee Development are revised. Thus, the number of divisions within the Office of Personnel Policy and Communications is reduced from six to five to consolidate functions and clearly define functional responsibilities within this Office.

Section AHP.20, Functions is amended as follows:

1. Delete paragraph (3) for the *Division of Compensation.*

2. Insert new paragraph (3), *Division of Compensation and Performance Management* reading as follows:

Division of Compensation and Performance Management. Formulates and oversees the implementation of Department-wide policies, regulations, and procedures pertaining to position management, classification, salary and wage administration, employee benefits, incentive awards, and performance management, including pay for performance. Conducts job analyses of occupations or families of positions in order to develop and publish model performance standards, model rating schedules and classification guides. Provides guidance and advisory services to HHS organizations on improvements in employee performance management. Serves as the central HHS reference point for inquiries, guidance, and interpretation on position management, classification and pay matters, performance management and job analysis. Maintains liaison with the Office of Personnel Management and other Departments and agencies with respect to such matters.

3. Delete paragraph (4) for the *Division of Organization and Employee Development.*

4. Insert new paragraph (4) for the *Division of Organization and Employee Development* reading as follows:

Division of Organization and Employee Development. Formulates and oversees the implementation of Department-wide policies, regulations, and procedures pertaining to recruitment, staffing, and examining; work force adjustment; special employment programs; the Uniform Selection Guidelines; employee education programs; and training except executive development. Provides guidance and advisory services to HHS organizations on organizational development. Serves as the central HHS point of contact for inquiries and interpretation for the above-mentioned functions. Serves as a central source of employment information for candidates seeking employment in HHS. Maintains liaison with the Office of Personnel Managment and other Departments and agencies.

5. Delete paragraph (6) for the *Performance Managment Division.*

Dated: November 25, 1983.

Margaret M. Heckler,

Secretary.

[FR Doc. 83-32346 Filed 12-2-83; 8:45 am]

BILLING CODE 4150-04-M

Health Resources and Services Administration

Designation of Health Manpower Shortage Areas (HMSAs); Clarification of "Non-Federal" as Used in Practitioner Counts

Regulations for Designation of Health Manpower Shortage Areas (42 CFR Part 5) utilize practitioner-to-population ratios as a major variable in determining whether an area or population group has a shortage of manpower in primary medical care, dentistry, psychiatry, vision care, podiatry, pharmacy, and/or veterinary care. However, only the number of non-Federal practitioners of the discipline involved is counted in determining these ratios for particular service areas or population groups. The decision to count only non-Federal practitioners was originally made in order that the placement of Federal National Health Service Corps (NHSC) practitioners in an area would not cause its dedesignation, since NHSC personnel must provide services in or to designated HMSAs.

Two important developments since the finalization of the Regulations on November 17, 1980, have necessitated a clarification of the term "non-Federal" for HMSA designation purposes. These are:

1. The Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35) expanded the NHSC to include not only commissioned officers and salaried civilian employees of the U.S., but also "other individuals who are not employees of the United States" (Section 331(a)(1)(C) of the Public Health Service Act, as amended). NHSC members who are not Federal employees may be assigned to public or non-profit private entities, subject to the personnel systems of those entities. However, they may only be assigned to entities in or serving designated HMSAs. Counting them as non-Federal practitioners could result in the dedesignation of the HMSAs involved.

2. Considerable numbers of NHSC Scholarship recipients are now being encouraged to meet their obligated service requirements through the private practice option (PPO), under Section 338C of the Public Health Service Act, and are doing so. This obligated service must be performed in a designated HMSA. Counting these individuals as non-Federal practitioners could also result in the dedesignation of the HMSAs in which they are serving.

Accordingly, the term "non-Federal" practitioners in the HMSA Regulations will henceforth be considered to exclude: (1) All members of the NHSC (whether federally-salaried or under the personnel system of the entity to which they are assigned, and whether on obligated service or volunteers); and (2) all persons providing obligated service in an area pursuant to a PPO agreement entered into with the Secretary under the authority of Section 338C. After the completion of any service obligations, all practitioners who are not employees of the United States and are not members of the NHSC will be counted as private, non-Federal practitioners.

For each designated HMSA, the total number of members of the NHSC and individuals fulfilling obligated service under the PPO will not be permitted to exceed the total number of full-time-equivalent practitioners needed to remove that area from the HMSA list under the criteria set forth in 42 CFR Part 5.

For further information contact Richard C. Lee, Distribution and Shortage Analysis Branch, Office of Data Analysis and Management, Bureau of Health Professions, HRSA, Room 8-47 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301-443-6932).

Dated: November 28, 1983.

Robert Graham,

Administrator, Assistant Surgeon General.

[FR Doc. 83-32289 Filed 12-2-83; 8:45 am]

BILLING CODE 4160-16-M

Statement of Organization, Functions and Delegations of Authority

Part H, Chapter HB (Health Resources and Services Administration) of the Statement of Organization, Functions and Delegations of Authority of the Department of Health and Human Services (47 FR 38409-24, August 31, 1982, as amended at 48 FR 6784, February 15, 1983), is amended to reflect the establishment of the Office of Equal Opportunity and Civil Rights in the Office of the Administrator.

Under Section HB-10. Organization and Functions:

1. Delete the statement for the *Office of Equal Employment Opportunity (HBA12)* and substitute the following:

Office of Equal Opportunity and Civil Rights (HBA12). The Office of Equal Opportunity and Civil Rights (OEOCR) directs, coordinates, develops, and administers the Health Resources and Services Administration (HRSA) equal opportunity and Civil Rights programs. Specifically: (1) Provides advice, counsel, and recommendations to the Administrator and other HRSA officials on equal opportunity, Civil Rights, and related concerns and responsibilities, and represents HRSA in dealing with Federal and non-Federal agencies and organizations on a wide range of equal opportunity, Civil Rights, and related functions; (2) administers affirmative action programs designed to ensure equality of opportunity in employment; (3) applies Department of Health and Human Services standards for delivery of HRSA services for groups and individuals, including minorities, women, the handicapped, and the aged; (4) manages the system of processing, adjudicating, and resolving complaints of employment discrimination, including preparation of final Agency decisions; (5) manages the complaints system for Commissioned Corps personnel under provisions of Public Health Service Personnel Instruction 6, which requires investigation, preparation of investigative files, and issuance of proposed dispositions; (6) develops and directs implementaion of the requirements of Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, and the Age Discrimination Act of 1975 as they apply to recipients of HRSA funds; (7) in conjunction with the Small and Disadvantaged Business Utilization Specialist, Division of Grants and Procurement Management, Office of Operations and Management, promotes the awarding of contracts under Section 8(a) of the Small Business Act, which pertains to contracts with small businesses owned by minorities and women; (8) participates in the formulation of HRSA's goals, policies, priorities and strategies, particularly as they affect professional organizations and institutions of higher education (medical, public health, etc.) involved in or concerned with the delivery of health services to minorities; (9) performs liasion and monitoring to assess and ensure equity and non-discrimination in the application of HRSA's programs to its minority constituencies; (10) provides technical assistance and guidance on the development of education and training programs on equal opportunity and Civil Rights regulations, philosophy, principles, and practices for all HRSA employees, especially managers, supervisors, and counselors; and (11) coordinates its activities with those of the Office of Equal Employment Opportunitiy and the Civil Rights Staff, Office of the Assistant Secretary for Health.

2. In the statement for the *Office of Operations and Management (HBA4)* delete item number (5) and change item number (6) to item number (5).

3. In the *Bureau of Health Professions (HBP),* add the following immediately after the opening sentence of the statement for the *Division of Disadvantaged Assistance (HBP6):* "Coordinates its activities closely with those of the Office of Equal Opportunity and Civil Rights, Office of the Administrator."

Dated: November 25, 1983.

Margaret M. Heckler,

Secretary.

[FR Doc. 83-32347 Filed 12-2-83; 8:45 am]

BILLING CODE 4160-16-M

National Institutes of Health

Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HN (National Institutes of Health) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (40 FR 22867, May 27, 1975, as amended most recently at 47 FR 52569, November 22, 1982) is amended to reflect the following changes: (1) Abolish the Office of Clincial Care in the Office of the Director, NIH, (2) publish the functional statement for the Office of the Director, National Institute of Child Health and Human Development (NICHD), and (3) establish the Scientific Review Program in the National Institute of Child Health and Human Development. These changes will simplify the organization chart of NIH by removing the unstaffed Office of Clinical Care, provide visibility to the Office of the Director, NICHD, and the scientific review function, and clarify the lines of authority and responsibility for this function within the National Institute of Child Health and Human Development.

Sec. HN-B, Organizations and Functions is amended as follows: (1) Under the heading *National Institutes of Health (HNA1),* delete the statement for the *Office of Clinical Care (HNA5)* in its entirety.

(2) Under the heading *National Institute of Child Health and Human Development (HN-T),* insert the following statements:

Office of the Director (HN-T1). (1) Directs, coordinates, and evaluates the Institute's programs, plans, and policies; (2) provides administrative and committee management services; and (3) is responsible for scientific review activities of the Institute.

Scientific Review Program (HN-T6). (1) Responsible for direction and oversight of all phases of scientific and technical merit review activities within NICHD; (2) develops, distributes, and coordinates policies and procedures for various aspects relevant to review requirements; (3) coordinates advisory committee management, determining the availability and qualifications of individuals for membership on NICHD Initial Review Group committees, the NICHD Board of Scientific Counselors, and the National Advisory Child Health and Human Development Council; and for service as ad hoc reviewers on project site-visit teams and on ad hoc contract review panels; (4) directs and carries out scientific and technical merit review of research and training grant applications and research contract proposals, organizes and coordinates site visits and (scientific and technical) merit review on all research grant minority constituencies; (10) provides technical assistance and guidance on the development of education and training programs on equal opportunity and Civil Rights regulations, philosophy, principles, and practices for all HRSA employees, especially managers, supervisors, and counselors; and (11) coordinates its activities with those of the Office of Equal Employment Opportunity and the Civil Rights Staff, Office of the Assistant Secretary for Health.

2. In the statement for the *Office of Operations and Management (HBA4)* delete item number (5) and change item number (6) to item number (5).

3. In the *Bureau of Health Professions (HBP),* add the following immediately after the opening sentence of the statement for the *Division of Disadvantaged Assistance (HBP6):* "Coordinates its activities closely with those of the Office of Equal Opportunity and Civil Rights, Office of the Administrator."

Dated: November 25, 1983.

Margaret M. Heckler,

Secretary.

[FR Doc. 83-32349 Filed 12-2-83; 8:45 am]

BILLING CODE 4140-01-M

Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HN (National Institutes of Health) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (40 FR 22859, May 27, 1975), as amended most recently in pertinent part at 48 FR 3873 (January 27, 1983), is amended to reflect the following changes within the National Cancer Institute: (1) Change the title of the Division of Resources, Centers, and Community Activities (HNC4), to the Division of Cancer Prevention and Control (HNC4); (2) abolish the Prevention, Detection, and Diagnosis Program (HNC42), Treatment, Continuing Care, and Rehabilitation Program (HNC43), and Research Resources Program (HNC44) in the Division of Resources, Centers, and Community Activites; (3) revise functional statements for the Division of Cancer Prevention and Control (HNC4) and its Office of the Director (HNC41); (4) establish the Cancer Control Science Program (HNC45), Centers and Community Oncology Program (HNC46), and the Prevention Program (HNC47) in the retitled Division of Cancer Prevention and Control (HNC4); (5) change the title of the Division of Cancer Cause and Prevention (HNC3) to the Division of Cancer Etiology; (6) change the title of the Field Studies and Statistics Program (HNC33), Division of Cancer Cause and Prevention (HNC3) to the Epidemiology and Biometry Program (HNC33); and (7) revise the divisional functional statment of the Division of Cancer Treatment (HNC6). The proposed changes will: (1) improve organizational focus by structurally highlighting the major areas of research emphasis in the retitled Division of Cancer Prevention and Control (i.e., cancer control applications, cancer centers and community oncology, and prevention); (2) to avoid confusion, clarify the roles of the current Division of Cancer Cause and Prevention and the proposed Division of Cancer Prevention and Control; (3) the name change for the Field Studies and Statistics Program to the Epidemiology and Biometry Program will better describe its major areas of activity; and (4) the revised functional statement for the Division of Cancer Treatment will recognize research and development efforts in the area of drug development, radiotherapy, and biological response modifiers within the Division.

Sec. HN-B, Organization and Functions is amended as follows: (1) Under the heading *National Cancer Institute (HNC),* change the title of the current *Division of Resources, Centers, and Community Activities (HNC4)* to the *Division of Cancer Prevention and Control (HNC4).*

(2) Under the retitled heading *Division of Cancer Prevention and Control (HNC4),* delete the titles and statements for the *Prevention, Detection, and Diagnosis Program (HNC42); Treatment, Continuing Care, and Rehabilitation Program (HNC43);* and *Research Resources Program (HNC44)* in their entirety.

(3) Delete the title and functional statement for the *Division of Resources, Centers, and Community Activities (HNC4)* and the statement for the *Office of the Director (HNC41),* in their entirety and substitute the following:

Division of Cancer Prevention and Control (HNC4). (1) Plans and conducts basic and applied research and development, technology transfer, demonstration, education and information dissemination programs to expedite the use of new information relevant to the prevention, detection, and diagnosis of cancer and the pretreatment evaluation, treatment, rehabilitation, and the continuing care of cancer patients throughout the country; (2) plans, directs, and coordinates the support of research on cancer prevention and control at cancer centers, community hospitals, and through organ systems programs; (3) supports cancer research training, clinical education, continuing education and career development in cancer prevention and control; (4) administers programs for the support of construction, alteration, renovation, and equipping of extramural research facilities; and (5) coordinates program activities with other divisions, institutes, or Federal and State agencies, and establishes liaison with professional and voluntary health agencies, cancer centers, labor organizations, cancer organizations, and trade associations.

Office of the Director (HNC41). (1) Plans, develops, directs, and coordinates the Institute's research activities related to prevention, control, centers and community oncology conducted through independent and cooperative studies and programs with universities, State and other health agencies, private industry, and other Federal agencies; (2) develops and maintains liaison with public health groups and agencies, cancer centers, public and professional educational organizations, labor organizations, trade and professional associations, voluntary health organizations, and regulatory agencies in order to facilitate communication, information exchange, and cooperation; (3) collaborates with other divisions, offices, institutes, and/or national and international research organizations in projects and activities related to cancer prevention and control; and (4) disseminates relevant prevention, control, detection, diagnosis, treatment, rehabilitation, and continuing care information to the lay and professional communities.

(4) Under the retitled heading *Division of Cancer Prevention and Control (HNC4),* insert statements for the *Cancer Control Science Program (HNC45); Centers and Community Oncology Program (HNC46);* and the *Prevention Program (HNC47),* as follows:

Cancer Control Science Program (HNC45). (1) Develops, supports and monitors applied research directed toward facilitating the widespread use of proven health promotion and other cancer prevention and management techniques by health professionals, patients and their families, and the general public; (2) monitors basic and clinical research activities to identify new intervention to reduce cancer rates in populations and facilitates research on their application; (3) provides training opportunities for health professionals in order to create a national cadre of highly skilled individuals capable of identifying, researching, and/or applying cancer prevention and management interventions; (4) establishes program priorities, allocates resources, integrates the projects of the various branches, evaluates program effectiveness, and represents the program area in management scientific decision-making meetings within the Institute; and (5) provides programmatic and consultative support to other divisional, institute, governmental, and private sector organizations that facilitate the application of proven cancer control interventions in populations.

Centers and Community Oncology Program (HNC46). (1) Plans, directs, coordinates, and evaluates the application of successful research advances and practical cancer control interventions in the general population; (2) establishes program priorities, allocates resources, integrates the projects of the various branches, evaluates program effectiveness, and represents the program area in management and scientific decision-making meetings within the Institute; (3) through the extramural funding of specialized and/or broad multidisciplinary centers devoted to basic and/or clinical research, advances

the knowledge and understanding of the causes, mechanisms, diagnosis and treatment of cancer; (4) supports and administers an extramural research program aimed at promoting knowledge, technology, and information on cancer patient treatment and continuing care directed toward improving cancer patient management in community settings; and (5) assists extramural research efforts through support of the improvement, renovation, and construction of research facilities.

Prevention Program (HNC47). (1) Plans and conducts intramural and extramural research programs directed toward the development, evaluation, demonstration, and promotion of cancer prevention, detection, and diagnosis. This research includes, but is not limited to, the identification of persons at increased risk of cancer; methods of screening and detection of cancer; and intervention aimed at reducing cancer risk; dietary manipulation or administration of agents which may inhibit aspects of the carcinogenic process; (2) identifies and disseminates new research findings that are of importance for prevention, early detection or diagnosis of cancer; and (3) establishes program priorities, allocates resources, integrates the projects of the various branches, evaluates program effectiveness, and represents the program area in management and scientific decision-making meetings within the Institute.

(5) Change the title of the *Division of Cancer Cause and Prevention (HNC3)* to the *Division of Cancer Etiology (HNC3)*; and delete the functional statement for the *Division of Cancer Cause and Prevention* in its entirety and substitute the following:

Division of Cancer Etiology (HNC3). (1) Plans and directs a national program of basic research including laboratory, field, and epidemiologic and biometric research on the cause and natural history of cancer and means for preventing cancer. This program is implemented by intramural research, research grants, cooperative agreements, and contracts; (2) evaluates mechanisms of cancer induction and promotion by chemicals, viruses and environmental agents; (3) serves as the focal point for the Federal Government on the synthesis of clinical, epidemiological, and experimental data relating to cancer causation; and (4) participates in the evaluation of, and advises the Institute Director on, program related aspects of other basic research activities as they relate to cancer cause and prevention.

(6) Change the title of the *Field Studies and Statistics Program (HNC33)* under the retitled *Division of Cancer Etiology (HNC3)* to the *Epidemiology and Biometry Program (HNC33)* and revise the statement to read as follows:

Epidemiology and Biometry Program (HNC33). (1) Plans, directs, manages, and evaluates a program of epidemiologic, demographic, statistical, and methematical research activities, and provides statistical and relevant automatic data processing services to support the research programs throughout the National Cancer Institute; (2) through intramural, contract, interagency, cooperative agreement, and grant activities, administers and manages research in epidemiology, genetics, biometry, preventive oncology, and associated multidisciplinary approaches to clarify the etiology, natural history, and means of preventing human cancer; (3) establishes program priorities, allocates available resources, integrates the activities of various branches, evaluates program effectiveness, and represents the program area in management and scientific decision-making meetings within the Institute; and (4) advises the Director of the Division and supports the activities of the Board of Scientific Counselors, the National Cancer Advisory Board, and other advisory committees.

(7) Under the heading *Division of Cancer Treatment (HNC6)*, delete the divisional functional statement in its entirety and substitute the following:

Division of Cancer Treatment (HNC6). (1) Plans, directs, and coordinates an integrated program of intramural and extramural preclinical and clinical cancer treatment research as well as research conducted in cooperation with other Federal agencies with the objective of curing or controlling cancer in man by utilizing treatment modalities singly or in combination; (2) administers targeted research and development programs in areas of drug development, biological response modifiers and radiotherapy development; and (3) serves as the national focal point for information and data on experimental and clinical studies related to cancer treatment and for the distribution of such information to appropriate scientists and physicians.

Dated: November 25, 1983.

Margaret M. Heckler,

Secretary.

[FR Doc. 83-32348 Filed 12-2-83; 8:45 am]

BILLING CODE 4140-01-M

Social Security Administration

Social Security Public Information Availability

This notice is published to announce that the Social Security Administration (SSA) intends to provide Social Security public information material to the electronic data base of CompuServe Information Service (CompuServe), located at 5000 Arlington Centre Boulevard, Columbus, Ohio 43220. CompuServe is a privately owned electronic data base service that offers information to subscribers via their computer terminals. Subscribers pay CompuServe an hourly fee to access the information in its data base. SSA will not pay or receive a fee under this arrangement. This understanding with CompuServe was established by SSA in an effort to use all available means to disseminate Social Security information to the public. The Social Security public information material will initially consist of several of SSA's general publications, a list of all current SSA publications, instructions for obtaining these publications, and general facts and statistics about the Social Security program. The Social Security public information materials provided to CompuServe are available in printed form free to the public through any Social Security office. Identifying information from Social Security records concerning private individuals will not be provided to CompuServe.

This notice also announces that SSA will consider request for Social Security public information material for inclusion in electronic data bases that are available to the public. Availability of this information is subject to budget constraints and the compatibility of SSA's equipment with data base receiving equipment. SSA will not pay a fee for including Social Security public information on an electronic data base.

Although this notice does not have a formal comment period, we encourage your written comments and inquiries. Please send your comments and inquiries to L. G. Cary, Acting Chief, Planning, Operations, and Evaluation Staff, Office of Information, Room 4-E-6 West High Rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235.

Dated: November 28, 1983.

Martha A. McSteen,

Acting Commissioner of Social Security.

[FR Doc. 83-32342 Filed 12-2-83; 8:45 am]

BILLING CODE 4190-11-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Coastal Barrier Resources Act; Section 10—Report to Congress

AGENCY: Office of the Secretary, Interior.

ACTION: Notice.

SUMMARY: Section 10 of the Coastal Barrier Resources Act (Pub. L. 97-348) (CBRA) directs the Secretary to submit a report to Congress that, among other things, includes: (1) recommendations for management alternatives that foster conservation of coastal barriers; and (2) recommendations for additions, deletions, or modifications to the Coastal Barrier Resources System. This notice describes the process the Department will use to implement this section of the CBRA.

DATE: Information pertinent to the study elements will be accepted through February 1, 1984.

ADDRESSES: Information should be directed to: Mr. Jack E. Brown, Coastal Barriers Study Group, National Park Service—498, U.S. Department of the Interior Washington, D.C. 20240;

or, to the Regional Group Leaders:

Region: North (Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey)
Dr. Paul J. Godfrey, Department of Botany, University of Massachusetts (Amherst), Amherst, Massachusetts 01003

Region: South (Delaware, Maryland, North Carolina, South Carolina and Georgia)
Dr. Vernon J. Henry, Jr., Department of Geology, Georgia State University, University Plaza, Atlanta, Georgia 30303

Region: Florida (Florida)
Dr. Richard A. Davis, Jr., College of Natural Sciences, University of South Florida, Tampa, Florida 33620

Region: Gulf (Alabama, Mississippi, Louisiana and Texas)
Dr. Dag Nummedal, Department of Geology, Louisiana State University, Baton Rouge, Louisiana 70803

FOR FURTHER INFORMATION CONTACT:

Ms. Deborah Lanzone, Coastal Barriers Study Manager, National Park Service—763, U.S. Department of the Interior, Washington, D.C. 20240, 202-343-4303

Dr. Albert G. Greene, Jr., Chief, Division of Special Science Projects, National Park Service—498, U.S. Department of the Interior, Washington, D.C. 20240 202-343-8114

SUPPLEMENTARY INFORMATION:

According to the CBRA, the report shall contain two essential elements: (1) Recommendations for conservation of the fish, wildlife and other natural resources of the Coastal Barrier Resources System through evaluation and comparison of management options available to Federal, State and local governments and the private sector, and; (2) recommendations for additions, deletions and modifications in the System. In addition, the report shall contain a summary of public comments received and an analysis of the impacts of general revenue sharing grants on undeveloped coastal barriers.

On June 2, 1983, the Department published a proposed study outline in the **Federal Register** (48 FR 24790), for public review and comment. Few comments were received; those who commented included: Senator John H. Chafee; Representative Walter B. Jones; Assistant Secretary of the Army—Civil Works, William R. Gianelli; the State of South Carolina and the National Wildlife Federation.

Two major suggestions were made regarding the proposed outline:

1. Rather than attempt to assess the effects of reduced Federal expenditures on coastal barriers, the study should address additional opportunities to encourage or create consistent policies at all levels of government that achieve conservation of important coastal resources.

2. Rather than transmit the report to Congress in October 1984 as proposed, the full three-year period authorized by the CBRA should be utilized to assure that the scope and magnitude of the study are adequately accommodated.

In response to these comments, the study plan has been revised to accomplish two major objectives: (1) Assess management options, or protection tools, that promote conservation of the fish, wildlife, and other natural resources in the System; and (2) inventory all undeveloped coastal barriers and certain coastal areas along all coastlines of the United States. The Department will not conduct new, detailed case studies of development patterns on coastal barriers as originally planned. These studies had been designed to assess development trends as indicators of the effects of reduced Federal expenditures on coastal barriers. It has been determined, however, that these studies are not necessary to fulfill the requirements of the CBRA. Finally, the Department will transmit the report to Congress in 1985 as authorized, rather than in 1984 as proposed.

Under the direction of the Assistant Secretary for Fish and Wildlife and Parks, the study is being conducted by a group of Federal professionals, primarily from the National Park Service and Fish and Wildlife Service. This group is identified as the Coastal Barriers Study Group (CBSG). The National Oceanic and Atmospheric Administration—Ocean Coastal Resources Management Program (OCRM) has been invited to and will sit on the CBSG. Any other Federal agency wishing to participate should contact the Coastal Barriers Study Group (CBSG) at the earliest possible time.

The work of the CBSG may be divided into two major activities: The assessment and the inventory.

Assessment of Management Alternatives

The assessment of existing management practices on the Atlantic Ocean and Gulf of Mexivo coasts will be primarily conducted by four regional assessment leaders who will work with the CBSG, Federal scientists, planners and other Federal professionals. They will consult as necessary with State and local officials involved in the technical aspects of managing coastal ecosystems. The regional leaders willl also be available to interested members of the general public who wish to provide input to the assessment. The Governors of the affected States have been requested to hold public meetings on coastal barrier issues to provide a forum for public input to the study and report to Congress. The regional leaders, employed by the National Park Service on an intermittent basis for the duration of the project are:

Region: North (Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey)
Dr. Paul J. Godfrey, Department of Botany, University of Massachusetts (Amherst), Amherst, Massachusetts 01003

Region: South (Delaware, Maryland, North Carolina, South Carolina and Georgia)
Dr. Vernon J. Henry, Jr., Department of Geology, Georgia State University, University Plaza, Atlanta, Georgia 30303

Region: Florida (Florida)
Dr. Richard A. Davis, Jr., College of Natural Sciences, University of South Florida, Tampa, Florida 33620

Region: Gulf (Alabama, Mississippi, Louisiana and Texas)
Dr. Dag Nummedal, Department of Geology, Louisiana State University, Baton Rouge, Louisiana 70803

These groups will collect data on the current use and management of coastal

resources on the Atlantic and Gulf Coasts. This effort will identify and evaluate coastal resource management issues, such as: coastal fish and wildlife problems, backbeach and dune deterioration spills and other discharges, ground water pollution, inter-tidal zone processes, and other relevant issues identified by the group leaders. The groups will evaluate and compare existing laws, regulations or other mechanisms that encourage, facilitate or adversely affect protection of coastal barriers. They will review general trends and conditions of development taking into account such factors as: rates and types of development, estimated capitalization, and the roles of government and the private sector, and the impacts of their actions on the coastal resource. The groups will also assess the impacts and opportunities for private sector conservation initiatives, such as, private land trusts and donations.

The groups will gather information from a variety of sources utilizing a number of methods, including but not limited to: interviews with State and local officials, coastal experts and private citizens; independent research; and consultation with other Federal, State or local experts. Public participation is encouraged and may be achieved by providing pertinent information and input to the group leaders.

In concert with this effort, the Washington-based CBSG and the regional group leaders will assess the feasibility of new management alternatives, such as: Prohibitions on post-disaster assistance for reconstruction; permit restrictions; tax incentives and disincentives; surplus property land exchanges; mechanisms for institutional cooperation (regional coastal commissions); changes in state/local planning procedures or regulations (OCRM zoning, building codes); private or non-profit land trusts; and acquisition.

The regional groups will complete their assessment during the summer of 1984. The findings of the regional groups and the CBSG will serve as the basis of the Department's preliminary recommendations. These recommendations will then be the subject of a Department-sponsored workshop with interested State and local officials and the public. This workshop will provide an open forum for information exchange for developing consistent coastal policy and will allow debate on and evaluation of the measures identified in the assessment.

This comprehensive assessment of a broad range of protection alternatives for undeveloped coastal barriers that can be implemented by all levels of government and the private sector, will enable the CBSG to develop recommendations for the conservation of the fish, wildlife and other natural resources of the Coastal Barrier Resources System as required by the CBRA.

Inventory of All Coastal Barriers

The inventory will be conducted by the CBSG in Washington, with field trips and consultation with the regional groups and state officials as necessary. The inventory is divided into four categories:

1. Additions, deletions and modifications to the existing units of the System of the Atlantic Ocean and Gulf of Mexico coasts that meet the legal definition of an undeveloped coastal barrier (Pub. L. 97-348).

2. Coastal barriers on the Atlantic Ocean and Gulf of Mexico coasts that are "otherwise protected."

3. Coastal landforms along the Atlantic Ocean and Gulf of Mexico coasts that do not meet the legal definition of a coastal barrier, but that share the majority of structural and functional characteristics of coastal barriers, e.g., embayments, keys, mainland beaches, developed areas, and consolidated sediments.

4. Coastal barriers and related landforms along all other coastlines of the United States, including the Great Lakes, Virgin Islands, Puerto Rico, Pacific Coast and Basin, and Alaska.

The Department has requested that each State transmit recommendations for additions, deletions and modifications to the System, as instructed by the CBRA. Public participation in this exercise is anticipated and encouraged. All suggestions and recommendations for additions, deletions or modifications to the existing System must provide at least the information outlined in Appendix A, and must include a U.S. Geological Survey (USGS) topographic quadrangle map that identifies the exact location of the proposed area.

Failure to supply the requested information may result in less-than-adequate consideration of the area for potential inclusion in the System. The Department reserves the right to reject any suggestion or information that does not provied adequate justification and documentation. Additional information, such as aerial photographs, will be helpful and will be returned upon request. This information should be forwarded to Mr. Jack E. Brown, Coastal Barriers Study Group, National Park Service—498, Washington, D.C. 20240.

The legislative history provides little guidance on the subject of boundary changes except to state explicitly that development of a unit subsequent to the CBRA is not grounds for removal from the System. The fundamental guide for the Department in recommending changes to the System will be derived from the purposes of the CBRA, i.e., Section 2(b) ". . . to minimize the loss of human life, wasteful expenditure of Federal revenues, and damage to fish, wildlife and other natural resources associated with the coastal barriers along the Atlantic and Gulf coasts . . ." It is our opinion that reducing or eliminating units of the System will generally violate the purposes of the CBRA unless there are mistakes in the original designation or mapping process.

The initial opportunity to consider and purpose modifications to units of the System and additions of new units to the System—along the Atlantic and Gulf coasts only—lies with the States and their coastal zone management (CZM) agencies. In a letter to the Governors from the Secretary, each State has been asked to coordinate submission of comments and recommendations within his jurisdiction; to contact the public; and to provide the Department with its proposals by February 1, 1984. The Department encourages all local governments and interested individuals to contact their Governor or State CZM office before submitting proposals to the Department. During consulations with the States, the Department will assure that all local and/or private submissions are available to the States.

Following the close of the initial comment period on February 1, 1984, the CBSG will review all submissions and select those that qualify for further consideration. These draft additions modifications will then be made available for an additional 120-day review period. Following the close of this comment period, the CBSG will make final recommendations for inclusion in the report to Congress. The report will also include the recommendatioins submitted by the States, as well as a summary of the comments received from State CZM agencies, other government officials and the public.

Dated: November 29, 1983.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

Appendix A

Fact Sheet for Coastal Barriers Recommendations

Date: _____

Identification:

1. State/Territory ———
2. Congressional District ———
3. Name of Unit ———
4. County/Parish ———
5. USGS Topographic Quadrangle(s) OR Exact Geographic Location

———

Protection Status

6. Is protected ———;
6a. By Fed'l Govt ———;
6b. By State Govt ———;
6c. By Local Govt ———;
6d. By Conservation Group or Other

———

Name of Group ———
7. Is not protected ———;
8. Ownership, if not protected ———

Evaluation: Landform

9. Type of Coastal Barrier:
9a. Barrier Island ———
9b. Bay Barrier ———
9c. Spit ———
9d. Tombolo ———
10. Linear/Curvilinear Shoreline

— —

10a. Shoreline length (in miles) ———
11. Acreage ———
12. Landward Aquatic Habitat ———
12a. Artificial channel ———
12b. Filled embayment ———
12c. Lagoon ———
12d. Mangrove ———
12e. Mud flats ———
12f. Natural channel ———
12g. Nontidal marsh ———
12h. Salt flats ———
12i. Salt pond ———
12j. Stream/river ———
12k. Swamp ———
12m. Tidal marsh ———
13. Observations and Description

———

14. The Unit ☐ (is) ☐ (is not) a Coastal Barrier.

Development Status

15. Undeveloped ———
16. Entirely developed ———
17. Number of Structures ———
18. Partly developed ———
19. Number of Structures ———
20. Infrastructure visible on photography ———
20a. Paved road ———
20b. Unpaved road ———
20c. Water storage ———
20d. Water distribution system ———
20e. Wastewater treatment ———
20f. Utility lines ———
21. Observations ———

22. Recommendation made by (individual, organization, address, and phone number):

[FR Doc. 83-32351 Filed 12-2-83; 8:45 am]
BILLING CODE 4310-70-M

Bureau of Land Management

Availability of Public Lands in Oregon and Washington for Purchase

The parcels of public land described below have been previously offered for public auction sale by the Bureau of Land Management pursuant to Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713), but remain unsold. Sealed bids for these parcels will now be accepted in the appropriate District Office. Bids may be submitted by qualified persons either by mail or delivered in person during regular business hours. Bids will not be accepted for less than the minimum bid listed below for each parcel.

All bids received will be opened the first Wednesday of each month, beginning on January 4, 1984. To be considered, bids must be received by 10:00 a.m. on the day of the bid opening. Each bid must be accompanied by a certified check, postal money order, bank draft, or cashier's check, made payable to the Bureau of Land Management for not less than one-fifth of the amount of the bid. Bids must be enclosed in a sealed envelope marked in the lower left-hand corner as follows: "Public Sale Bid, Serial No. ." If two or more envelopes are received each containing acceptable bids of the same amount for the same parcel, the successful bid shall be determined by drawing. In all cases the highest sealed bid will determine the successful purchaser. The successful purchaser will be notified in writing and will be required to submit the remainder of the amount bid within 30 days. Failure to submit the full sale price within 30 days shall result in cancellation of the sale and the bidder's deposit will be forfeited. All unsuccessful bids will be returned.

The parcels will remain available for purchase as described above until sold or withdrawn from sale by the authorized officer. The parcels available for sale are described as follows:

Parcel serial No.	Legal description/acreage, Willamette Meridian, OR	Minimum bid
	T. 13 S., R. 31 E.,	
OR 34942-A..	Sec. 28, N½SW¼SW¼; 20 acres.	$20,000
OR 34942-B..	Sec. 28, S½SW¼SW¼; 20 acres.	20,000
OR 34942-C..	Sec. 28, N½SE¼SW¼; 20 acres.	20,000
OR 34942-D..	Sec. 28, S½SE¼SW¼; 20 acres.	20,000
OR 35774-A..	T. 33 S., R. 30 E., Sec. 1, SE¼; Sec. 12, NE¼; 320 acres.	12,150

Bids or requests for information on the above parcels should be directed to the Burns District Office, 74 S. Alvord Street, Burns, OR 97720, telephone (503) 573-5241.

Parcel serial No.	Legal description/acreage, Willamette Meridian, OR	Minimum bid
	T. 25 S., R. 18 E;	
OR 36015	Sec. 5, SE¼SE¼; 40 acres	$6,600
OR 36016	Sec. 17, NE¼NE¼; 40 acres	6,600
OR 36282	Sec. 21, W½NW¼; 80 acres	12,400
	T. 25 S., R. 19 E.,	
OR 36285	Sec. 28, NE¼; 160 acres	24,000
OR 36283	Sec. 29, SW¼SW¼; 40 acres	6,800
OR 36284	Sec. 29, E½SE¼ and SW¼ SE¼; 120 acres.	19,200
OR 36286	T. 26 S., R. 18 E., Sec. 13, S½; 320 acres.	52,800
OR 36017	T. 26 S., R. 19 E., Sec. 6, Lot 5; 34.52 acres.	6,400
OR 36287	T. 28 S., R. 16 E; Sec. 1, Lots 1 thru 4, SW¼NE¼ and S½ NW¼; Sec. 2, Lot 1; 199.49 acres.	32,900

Bids or requests for information on the above parcels should be directed to the Lakeview District Office, 1000 S. 9th Street, P.O. Box 151, Lakeview, Oregon 97630, telephone (503) 947-2177.

Parcel Serial No.	Legal description/acreage Willamette Meridian, OR	Minimum bid
	T. 35 S., R. 2 W.,	
OR 36212-A..	Sec. 15, SW¼NW¼; 40 acres	$55,900
OR 36212-B..	Sec. 29, SE¼NE¼; 40 acres	$40,000

Bids or request for information on the above parcels should be directed to the Medford District Office, 3040 Biddle Road, Medford, Oregon 97501, telephone (503) 776-4174.

Parcel serial No.	Legal description/acreage, Willamette Meridian, OR	Minimum bid
	T. 15 S., R. 42 E.,	
OR 36202-1..	Sec. 18, E½E½; 160 acres	$12,000
OR 36202-2..	Sec. 23, SE¼SW¼ and S½SE¼; 120 acres.	24,000
OR 36202-3..	T. 16 S., R. 42 E., Sec. 3, Lot 3; 40.60 acres.	4,100

Bids or requests for information on the above parcels should be directed to the Vale District Office, 100 Oregon Street, P.O. Box 700, Vale, Oregon 97918, telephone (503) 473-3144.

Parcel serial No.	Legal description/acreage Willamette Meridian, OR	Minimum bid
	T. 7 N., R. 31 E.,	
OR 20640(WA)-1.	Sec. 14, Lot 1, 25.69 acres	$38,500

Parcel serial No.	Legal description/acreage, willamette Meridian, OR	Minimum bid
OR 20640(WA)-2.	Sec. 14, Lot 6; 28.02 acres.....	42,000

Bids or requests for information on the above parcels should be directed to the Spokane District Office, East 4217 Main, Spokane, Washington 99202, telephone (509) 456-2570.

Dated: November 25, 1983.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-32291 Filed 12-2-83; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Information Collection Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Service's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Service clearance officer and the OMB Interior Desk Officer at 202-395-7340.

Title: Cooperative Waterfowl Parts Collection Survey Envelope, used to collect waterfowl parts, such as wings and feathers from hunters; data from examined parts are used to obtain information on the species, age, sex, and geographic distribution of the waterfowl harvest. This information is needed for effective management and to preclude over harvest.

Bureau Form Number: 3-165.

Frequency: Annually.

Description of Respondents: Waterfowl hunters.

Annual Responses: 71,595.

Annual Burden Hours: 5,955.

Service Clearance Officer: Arthur J. Ferguson, 202-653-7499.

Don W. Minnich,

Acting Associate Director, Wildlife Resources.

November 29, 1983.

[FR Doc. 83-32334 Filed 12-2-83; 8:45 am]

BILLING CODE 4310-55-M

[Docket No. AB-6 (Sub-No. 170)]

Burlington Northern Railroad Company—Abandonment—in Wadena and Hubbard Counties, MN; Findings

The Commission has issued a certificate authorizing the Burlington Northern Railroad Company to abandon its 34.42-mile rail line between milepost 56.5 near Wadena and milepost 90.92 at the end of the line near Park Rapids, in Wadena and Hubbard Counties, MN. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB-OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 C.F. R. 1152.27.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-32312 Filed 12-2-83; 8:45 am]

BILLING CODE 7035-01-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-19 (Sub-No. 64X)]

The Baltimore and Ohio Railroad Company—Abandonment—in Marion and Harrison Counties, WV; Exemption

The Baltimore and Ohio Railroad Company (applicant) has filed a notice of exemption for an abandonment under 49 CFR Part 1152 Subpart F—*Exempt Abandonments.* The line to be abandoned is between mileposts 0.91 and 3.04, a distance of 2.13 miles, near Kilarm, in Marion and Harrison Counties, WV.

Applicant has certified: (1) That no local or overhead traffic has moved over the line for at least 2 years, and (2) that no formal complaint filed by a user of rail service on the line regarding cessation of service over the line either is pending with the Commission or has been decided in favor of the complainant within the 2-year period. The Public Service Commission (or equivalent agency) in West Virginia has been notified in writing at least 10 days prior to the filing of this notice. *See Exemption of Out of Service Rail Lines.* 366 I.C.C. 885 (1983).

As a condition to use of this exemption, any employees affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979).

The exemption will be effective on January 4, 1984 (unless stayed pending reconsideration). Petitions to stay the effective date of the exemption must be filed by December 15, 1983, and petitions for reconsideration, including environmental, energy and public use concerns, must be filed by December 27, 1983, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representatives:

Rene J. Gunning, Suite 2204, 100 North Charles Street, Baltimore, MD 21201

Peter J. Shudtz, P.O. Box 6419, Cleveland, OH 44101

If the notice of exemption contains false or misleading information, the use of the exemption is void *ad initio.*

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: November 28, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Acting Secretary.

[FR Doc. 83-32430 Filed 12-2-83; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-19 (Sub-No. 63X)]

The Baltimore and Ohio Railroad Company—Abandonment—in Cuyahoga County, OH; Exemption

The Baltimore and Ohio Railroad Company (B&O) has filed a notice of exemption for an abandonment under 49 CFR Part 1152 Subpart F—*Exempt Abandonments.* The line to be abandoned is a portion of B&O's CL&W Subdivision between Valuation Station 1460+65 near Mary Street and Valuation Station 1486+61.6 near Literary Street, a distance of 0.49 mile, in Cleveland, Cuyahoga County, OH.

B&O has certified: (1) That no local or overhead traffic has moved over the line for at least 2 years, and (2) that no formal complaint filed by a user of rail service on the line regarding cessation of service over the line either is pending

with the Commission or has been decided in favor of the complainant within the 2-year period. The Public Service Commission (or equivalent agency) in Ohio has been notified in writing at least 10 days prior to the filing of this notice. *See Exemption of Out of Service Rail Lines,* 366 I.C.C. 885 (1983).

As a condition to use of this exemption, any employee affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979).

The exemption will be effective on January 4, 1984 (unless stayed pending reconsideration). Petitions to stay the effective date of the exemption must be filed by December 15, 1983, and petitions for reconsideration, including environmental, energy and public use concerns, must be filed by December 27, 1983, with Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to B&O's representatives:

Rene J. Gunning, Suite 2204, 100 North Charles Street, Baltimore, MD 21201
Peter J. Shudtz, P.O. Box 6419, Cleveland, OH 44101

If the notice of exemption contains false or misleading information, the use of the exemption is void *ab initio.*

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: November 28, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Acting Secretary.

[FR Doc. 83-32429 Filed 12-2-83; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-69 (Sub-No. 11X)]

Western Maryland Railway Company-Abandonment in Tucker County, WV; Exemption

The Western Maryland Railway Company (applicant) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments.* The line to be abandoned is between Valuation Station 4060+07 at Thomas, and Valuation Station 4583+48 at Hendricks, a distance of 9.91 miles, in Tucker County, WV

Applicant has certified: (1) That no local traffic has moved over the line for at least 2 years, and any overhead traffic on the line can be rerouted over other lines, and (2) that no formal complaint filed by a user of rail service on the line regarding cessation of service over the line either is pending with the Commission or has been decided in favor of the complainant within the 2-year period. The Public Service Commission (or equivalent agency) in West Virginia has been notified in writing at least 10 days prior to the filing of this notice. *See Exemption of Out of Service Rail Lines,* 377 I.C.C. 885 (1983).

As a condition to use of this exemption, any employees affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.—Abandonment—Goshen,* 366 I.C.C. 91 (1979).

The exemption will be effective on January 4, 1984 (unless stayed pending reconsideration). Petitions to stay the effective date of the exemption must be filed by December 15, 1983, and petitions for reconsideration, including environmental, energy and public use concerns, must be filed by December 27, 1983, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representatives:

Rene S. Gunning, Suite 2204, 100 North Charles Street, Baltimore, MD 21201
Peter J. Schudtz, P.O. 6419, Cleveland, OH 44101

If the notice of exemption contains false or misleading information, the use of the exemption is void *ab initio.*

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: November 28, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Acting Secretary.

[FR Doc. 83-32428 Filed 12-2-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Comprehensive Health Policy; Announcement and Request for Public Comment

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Announcement of comprehensive health policy and request for public comment.

SUMMARY: OSHA announces a comprehensive workplace health programs policy. It is intended to improve the efficiency of OSHA's operations and to stimulate establishment of comprehensive systems of protection against health hazards in the workplace. Guidelines are provided for essential elements of effective workplace health programs. Public comment is invited.

DATES: The docket will remain open for comment until February 3, 1984.

FOR FURTHER INFORMATION CONTACT: James F. Foster, Director, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, Rm. N3637, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210 Telephone: (202) 523-8151.

SUPPLEMENTARY INFORMATION:

A. Background

Policy: OSHA will promote and recognize workplace health programs as the key element in preventing occupationally related illnesses.

Changes in the OSHA programs and their positive cumulative impact upon the agency's overall mission have brought OSHA to the point where additional decisions are necessary to further develop and implement a balanced approach to achievement of the Occupational Safety and Health Act's purposes. Considerable attention has already been directed to development of comprehensive approaches to safety problems in the workplace. These problems and their resolutions are better understood than the corresponding problems in occupational health. OSHA must now take some significant steps forward in what it does and how it does it regarding health in the workplace. If OSHA does not, workplace health programs could fall further behind emerging scientific understanding of workplace hazards and make it ever more difficult for OSHA to apply its resources in ways that affect workplace health problems. The breadth of the health issue touches all areas of OSHA's program management.

To prevent occupationally caused illness, OSHA must cause conditions in workplaces to change so that employees are not exposed to hazards to their health. OSHA's traditional strategy has been to effect incremental changes in the workplace through enforcement. This approach has amounted to regulating specific substances. The OSHA Health program came to be understood came to be understood largely in terms of the inspection process and its effectiveness was measured in terms of the number of

violations cited. This approach overlooks the possibility of *systemic* changes: that is, the creation of a network of protections in the workplace that anticipate hazards and prevent their appearance, and that do not wait for OSHA to mandate correction.

The larger problem in occupational health is one of not having complete information about potential health hazards, the significance of the risk posed by these potential health hazards and technologically feasible and cost effective control measures in workplaces.

Although OSHA will continue to upgrade the health inspection targeting system, it does not have—and may never have—the statistical basis needed for precise targeting of workplaces within industries. Health inspections are a necessary component in achieving healthful workplace conditions. They are performed routinely, using a list of establishments and industries which are ranked according to their degree of hazard. Even the best data available does not, however, either indicate fully the hazards that may be found in a particular workplace or indicate which workplace has an effective health protection system in operation.

A related factor is the standards setting and updating process which has produced a body of regulations that is frequently criticized for being narrower than the potential array of hazards in the work environment. Standards that are in force are often out of date. For many of the consensus standards, adopted early in OSHA's history from industry-based guidelines, and employer might have to be twenty years behind the times to be in violation. By the time a new or revised health standard is promulgated (one to four years not including possible further delays for litigation), the affected employers are by-and-large in compliance. This is, of course, a desirable outcome, but it does not imporve the indicators of efficiency of the health inspection and enforcement process.

These problems are not likely to be solved in the short-run. Alternative approaches are needed which go beyond recent efforts to focus solely on standards setting and enforcement. OSHA's new emphasis on workplace health programs—and intetgrated balanced approach—seems to hold the most long-term potential benefits to employers, employees and our Nation in general.

Deficiencies cannot be completely eliminated, but they can be ameliorated in an enforcement system that recognizes good workplace protection systems where they are operating, and which promotes adoption of such systems where they do not now exist. Thus, OSHA proposes to expand its enforcement policies to allow inspectors to reduce the time they spend in well-controlled workplaces, and also to use other program elements, such as consultation, training, and experimental programs to provide support to employers who want to implement or who are implementing systematic health protection programs. In this regard, OSHA will expand the scope of its efforts from solely providing advice on technical matters to broader assistance for development and management of workplace health systems.

OSHA will consider several specific steps to encourage development of comprehensive workplace programs:

1. Where employers have satisfactorily demonstrated that adequate health protection systems are operating, OSHA inspectors may exercise their discretion by using procedures or means to abbreviate inspections such as: (a) Using previous inspection histories to focus on identified potential problem areas rather than repeating comprehensive sampling in all work areas; (b) conducting sampling to verify rather than repeat the employer's own monitoring; (c) verifying the effective implementation of other aspects of the employer's health protection system; (d) using employer records of program implementation to estimate the scope and severity of potential hazards; (e) conducting sampling at times and at locations where work processes suggest employer's monitoring may not be adequate. These practices are already part of OSHA's inspection procedures and are documented in the OSHA Field Operations Manual. They may be given new emphasis through a program directive.

2. OSHA will give priority to New Directions Grant applications from organizations which develop or implement specialized workplace health protection programs. Such programs might apply to a specific class of hazard, or to an industry or industry segment.

3. OSHA consultants working in State programs, under 7(c)(1) contracts or other contractural arrangements, will give priority to requests for assistance in developing adequate workplace health protection syatems.

4. OSHA Training Institute will develop and offer more courses dealing with establishment and management of workplace health systems.

This new policy will result in more efficient use of staff resources and OSHA's presence will be felt directly and indirectly in a wider range of workplaces than has been possible heretofore. By reducing time spent conducting inspections where they are not essential, more staff time will be available for workplaces with complex and unattended problems. It is in such workplaces that more attention will be focused. Time will also be available for othe related health program outreach activities.

States with 18(b) programs will address this new policy as a Federal program change. They are invited to comment on the proposal, especially with regard to its impact on resource requirements, procedures, and the balance of program activities.

B. Guidelines

The following general criteria or key elements of workplace health protection systems were identified at a conference of labor, management and State OSHA participants, held in Washington, D.C. in October 1982.

The criteria are paraphrased here as a guideline to employers and employees. OSHA recognizes the unique character of individual workplaces and will take into consideration necessary variations in the implementation of these principles. In no case will OSHA compliance officers overlook or fail to cite for violations of health standards.

1. The workplace must be in compliance with OSHA standards.

Comment: As noted elsewhere, this is considered to be a minimum requirement and compliance with it does not automatically create an outstanding health protection program. Workplaces which handle or use unregulated hazardous materials must provide for their control and safe use as if they were regulated in order to be recognized for special treatment.

2. Management and labor commitment to the program: Management should endorse and actively support the program and provide necessary resources for its operation.

Labor commitment should be manifested by active participation in and support of the program. Whether employees are organized or not, their participation and commitment are essential to the success of the program.

Comment: Commitment is a subjective matter and difficult to evaluate. OSHA compliance officers will look for evidence of commitment in terms of implementation of the less abstract criteria listed below. Commitment to prevention, however, remains essential and it is the primary element of program success.

Employers may provide documentation of the placement of

health (and safety) responsibilities in the management structure of the workplace, and identify the individuals who are accountable for results. Statements of corporate policy and instructions to corporate managers implementing those policies may also be used as evidence of commitment.

3. The program must contain a written statement of goals and objectives, written policies and procedures, and should specify how it will be implemented.

It must also contain a plan for monitoring and regularly auditing its operation, with provisions for periodic evaluation and deficiency correction.

The program must be implemented in accordance with the written policies and procedures.

Comment: Although it is possible to control hazards without written plans or documentation of their fulfillment, OSHA will recognize only those workplaces which have such documentation. Without such plans, procedures, and standards of performance, program direction is unclear and meaningful employee participation is diminished.

4. The program should contain a hazard anticipation, recognition evaluation and abatement plan. This should include such items as materials inventory, regular internal inspections, complaint investigation procedures, and related materials. The program should prescribe emergency procedures.

Comment: Systematic treatment of hazards could well begin with inventories of materials brought into the workplace. A description of production processes should also be incorporated, and it should specify new substances produced in the manufacturing processes or other use of the materials. Internal inspection records should give evidence of systematic evaluation of hazards, including records of environmental monitoring methods and results. Both complaint investigation procedures and the results of complaint investigations should be available to compliance officers.

5. The system should contain an active employee training and education plan.

6. The system should operate with qualified and competent professional personnel in adequate numbers and properly coordinated by workplace management.

Comment: Adequate professional staffing can be achieved in a number of ways. Establishment size, complexity and hazards affect the sorts of numbers of personnel needed. Shared-time arrangements, use of consultants and other approaches may meet a particular workplace's needs.

7. The system should provide for access to and use of industrial hygiene monitoring, preferably with board certified overview.

8. The system should provide for access to and use of medical surveillance, including baseline and periodic evaluations.

9. The system should make medical services available as needed.

Comment: Medical care may be provided by in-house staff or through external sources. Levels of care should be explained in the overall written system.

10. Records necessary for the proper monitoring and assessment of occupational hazards to health should be established and retained for a reasonable period of time, as required by OSHA standards or as established as a prudent practice for hazards not addressed by specific standards.

11. Employees should be informed about potential hazards and have access to data, as provided in the act or as required by specific OSHA standards, or as established as a prudent practice for hazards not addressed by specific standards. Individual employee medical records should be protected from undue disclosure.

Comment: Data collection and retention needs will vary according to the hazards present in the workplace and other factors. Records retention should be considered with the long-term in mind, because of latency periods associated with exposures to carcinogens, and cumulative damage from other hazards.

12. The system should prescribe specific work practice procedures.

13. The system should require the application of technologically feasible and cost effective engineering controls and should provide for a comprehensive program for personal protective equipment where such controls are not technoligically feasible or cost effective.

OSHA intends to encourage public acceptance of and enlargement upon these basic elements.

C. Public Participation

Public comment on this policy is encouraged. Interested persons are invited to submit written data, views, and arguments with respect to this proposal. These comments must be postmarked on or before February 3, 1984, and submitted to the Docket Office, P–005, Rm. S6212, United States Department of Labor, Washington, D.C. 20210. Written submissions must clearly identify the specific portions of the policy which are addressed, and the position taken with respect to each issue. The data, views and arguments that are submitted will be made available for public inspection and copying at the above address.

Signed at Washington, D.C. this 30th day of November, 1983.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 83–32287 Filed 12–2–83; 8:45 am]

BILLING CODE 4510–26–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 83–96]

Intent To Grant an Exclusive Patent License; Power Controls International Pty. Ltd.

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Intent to Grant an Exclusive Patent License.

SUMMARY: NASA hereby gives notice of intent to grant to Power Controls International Pty. Limited, of Sydney, Australia, a limited, exclusive, royalty-bearing license for Australian Patent No. 508,213, "Power Factor Control System for AC Induction Motor"; Australian Patent No. 528,349, "Three Phase Power Factor Controller"; Australian Patent Application No. 87034/82, "Motor Power Factor Controller With a Reduced Voltage Starter"; Australian Patent Application No. 81871/82, "Pulsed Thryristor Trigger Control Circuit"; and Australian Patent Applications entitled "Three Phase Power Factor Controller With Induced EMF Sensing", and "Phase Detector for Three Phase Power Factor Controller". The proposed exclusive license will be for a limited number of years and will contain appropriate terms and conditions to be negotiated in accordance with the NASA Patent Licensing Regulations, 14 CFR Part 1245, Subpart 2. NASA will negotiate the final terms and conditions and grant the exclusive license unless, within 60 days of the date of this Notice, the Director of Patent Licensing receives written objections to the grant, together with supporting documentation. The Director of Patent Licensing will review all written responses to the Notice and then recommend to the Assistant General Counsel for Patent Matters whether to grant the exclusive license.

DATE: Comments to this Notice must be received by February 3, 1984.

ADDRESS: National Aeronautics and Space Administration, Code GP, Washington, D.C 20546.

FOR FURTHER INFORMATION CONTACT:
Mr. John G. Mannix, (202) 755–3954.

Dated: November 28, 1983.

S. Neil Hosenball,

General Counsel.

[FR Doc. 83–32285 Filed 12–2–83; 8:45 am]

BILLING CODE 7510–01–M

[Notice 83–95]

Intent to Grant an Exclusive Patent License; Power Controls International Pty. Ltd.

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Intent to Grant an Exclusive Patent License.

SUMMARY: NASA hereby gives notice of intent to grant to Power Controls International Pty. Limited, of Sydney, Australia, a limited, exclusive, royalty-bearing license for Philippine Patent Application No. 25,559, "Three Phase Power Factor Controller"; Philippine Patent Application No. 27,948, "Motor Power Factor Controller With a Reduced Voltage Starter"; Philippine Patent Application No. 27,151, "Pulsed Thyristor Trigger Control Circuit"; and Philippine Patent Applications entitled "Three Phase Power Factor Controller With Induced EMF Sensing", and "Phase Detector For Three Phase Power Factor Controller". The proposed exclusive license will be for a limited number of years and will contain appropriate terms and conditions to be negotiated in accordance with the NASA Patent Licensing Regulations, 14 CFR Part 1245, Subpart 2. NASA will negotiate the final terms and conditions and grant the exclusive license unless, within 60 days of the date of this Notice, the Director of Patent Licensing receives written objections to the grant, together with supporting documentation. The Director of Patent Licensing will review all written responses to the Notice and then recommend to the Assistant General Counsel for Patent Matters whether to grant the exclusive license.

DATE: Comments to this Notice must be received by February 3, 1984.

ADDRESS: National Aeronautics and Space Administration, Code GP, Washington, D.C. 20546.

FOR FURTHER INFORMATION CONTACT:
Mr. John G. Mannix, (202) 755–3954.

Dated: November 28, 1983.

S. Neil Hosenball,

General Counsel,

[FR Doc. 83–32284 Filed 12–2–83; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL SCIENCE FOUNDATION

Forms Submitted for OMB Review

In accordance with the Paperwork Reduction Act and OMB Guidelines, NSF is posting this notice of information collection that will affect the public.

Agency Clearance Officer: Herman G. Fleming (202) 357–9421.

OMB Officer: Andrew Velez-Rivera (202) 395–7313.

Title: Higher Education Panel.

Affected Public: Universities and Colleges.

Number of Responses: 400; total of 3,600 hours.

Abstract: Panel surveys are responsive to a variety of policy issues. Topics are not predetermined. Survey instruments are designed specifically for each survey. Recent individual surveys served program management needs, research objectives, and general purposes not available through existing information sources.

Dated: November 30, 1983.

Herman G. Flemining,

OMB Clearance Officer.

[FR Doc. 83–32311 Filed 12–2–83; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Regulatory Policys and Practices; Meeting

The ACRS Subcommittee on Regulatory Policies and Practices will hold a meeting on December 14, 1983, Room 1167, 1717 H Street NW., Washington, D.C. The Subcommittee will discuss the proposed decentralization of operating reactor licensing activities and the current status of Regulatory Reform activities within the NRC.

In accordance with the procedures outlined in the **Federal Register** on September 28, 1983 (48 FR 44291), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee and its Staff. Persons desiring to make oral statements should notify the cognizant Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting will be as follows:

Wednesday, December 14, 1983—1:30 p.m. until the conclusion of business

During the initial portion of the meeting, the Subcommittee members may exchange preliminary views regarding matters to be considered during the balance of the meeting. The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff and others regarding these matters.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time alloted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Morton W. Libarkin (telephone 202/634–3265) between 8:15 a.m. and 5:00 p.m., EST.

Dated: November 29, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83–32301 Filed 12–2–83; 8:45 am]

BILLING CODE 7590–01–M

Applications for Licenses To Export and Import Nuclear Facilities or Materials

Pursuant to 10 CFR 110.70(b) "Public notice of receipt of an application", please take notice that the Nuclear Regulatory Commission has received the following applications for export and import licenses. Copies of the applications are on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, NW., Washington, D.C.

A request for a hearing or petition for leave to intervene may be filed within 30 days after publication of this notice in the **Federal Register.** Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the Secretary, U.S. Nuclear Regulatory Commission, and the Executive Secretary, Department of State, Washington, D.C. 20520.

In its review of applications for licenses to export production or utilization facilities, special nuclear materials or source material, noticed

herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported. The table below lists all new major applications.

Dated this 25th day of November 1983 at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

James V. Zimmerman,

Assistant Director, Export/Import and International Safeguards, Office of International Programs.

FEDERAL REGISTER EXPORTS AND IMPORTS

Name of applicant, date of application, date received, application number	Material type	Material in Kilograms		End-use	County of destination
		Total element	Total isotope		
Edlow International Co., Nov. 14, 1983, Nov. 15, 1983, ISNM83024.	3.6 percent enriched uranium..	3,760	135.5	Fuel assemblies for Sequoyah Unit 2	For United Kingdom.
Edlow International Co., Nov. 15, 1983, Nov. 16, 1983, XSNM2091.	19.99 percent enriched uranium.	63	12.6	Low enriched uranium for fuel development for the NRX and NRU research reactors.	Canada.
EXXON Nuclear Co., Inc., Nov. 11, 1983, Nov. 17, 1983, ISNM83025.	Natural to 50 percent	925,000		Import for conversion and fabrication for ultimate use as fuel in nuclear power plants.	From various.
Mitsubishi International Corp., Nov. 16, 1983, Nov. 21, 1983, XSNM2094.	3.45 percent enriched uranium.	32,123	1,109	Reload fuel for Ohi I	Japan.
Mitsubishi International Corp., Nov. 16, 1983, Nov. 21, 1983, XSNM2095.	3.45 percent enriched uranium.	21,932	757	Reload fuel for Takahama I	Japan.
Mitsubishi International Corp., Nov. 16, 1983, Nov. 21, 1983, XSNM2093.	3.45 percent enriched uranium.	21,688	749	Reload fuel for Mihama 3	Japan.

[FR Doc. 83-32296 Filed 12-2-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 71-6698, 71-9001, 71-9010, 71-9015, 71-9016, 71-9023]

Request for Action; Sierra Club; Dry Cask Shipments of Spent Fuel

Notice is hereby given that by letter dated November 7, 1983, the Sierra Club has request that the Commission halt all dry cask shipments of spent fuel, including shipments from West Valley, New York and the Cooper Nuclear Station in Nebraska, until appropriate analyses are performed of an incident involving a shipping cask at Battelle Columbus Laboratories. The Sierra Club's letter is being treated as a request for action under 10 CFR 2.206. As provided in 10 CFR 2.206, appropriate action will be taken on the request within a reasonable time.

Copies of the request are available for inspection in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

Dated at Silver Spring, Maryland, this 25th day of November, 1983.

For the Nuclear Regulatory Commission.

John G. Davis,

Director, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 83-32300 Filed 12-2-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-358-OL and ASLBP No. 76-317-01-OL]

The Cincinnati Gas & Electric Co., et al Wm. H. Zimmer Nuclear Power Station, Unit 1

November 29, 1983.

Please take notice that the conference of counsel scheduled to be held in the above captioned proceeding from 9:30 A.M to 5:00 P.M., Thursday, December 15, 1983, in Courtroom 822, U.S. Post Office and Courthouse Building, 5th and Main Street, Cincinnati, Ohio, 45202, has been rescheduled. The conference will now be held from 9:30 A.M. to 5:00 P.M. Friday, December 9, 1983, in Room 324, Hamilton County Courthouse, 1000 Main Street, Cincinnati, Ohio 45202. At the conference the Board will hear oral argument on MVPP's October 3, 1983, petition for reconsideration of the Board's September 15, 1983, Memorandum and Order (LBP-83-58, 18 NRC ——) denying MVPP's motion to reopen the record and NRC Staff's October 31, 1983, motion to defer ruling on MVPP's petition.

Bethesda, Maryland.

For the Atomic Safety and Licensing Board.

John H. Frye III,

Chairman, Administrative Judge.

[FR Doc. 83-32297 Filed 12-2-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-344]

Portland General Electric Co., et al.; Consideration of Issuance of Amendment to Facility Operating License and Proposed no Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-1, issued to Portland General Electric Company, Pacific Power and Light Company, and The City of Eugene, Oregon (the licensee), for operation of the Trojan Nuclear Plant located in Columbia County, Oregon.

The amendment would authorize the licensee to increase the storage capacity of the spent fuel pool from the present capacity of 651 fuel assemblies to 1408 fuel assemblies. The change would be accomplished by the installation of spent fuel racks having a closer spacing and a modified nuclear design. The present racks have a cell spacing of 13.3 inches. Under the proposed amendment, the cell spacing would be reduced to 10.5 inches and the racks would utilize neutron absorbing material between cells to assure a sub-critical configuration. Also, the amendment would increase the authorized enrichment of fuel in the pool from the present 3.5% U-235 to 4.5% U-235 to

accommodate possible use and storage of fuel of this higher enrichment at a later time. To provide more room for storage racks, the licensee also proposes to remove the spent fuel pool cooling sparger line which currently forms a ring inside the perimete of the spent fuel pool floor. Finally, the amendment would prohibit the licensee from moving any spent fuel shipping casks into the building containing the spent fuel pool. (Removal of this restriction would require NRC review and approval at a later time.) The amendment request is provided in a letter dated August 1, 1983, and Amendment 1 dated October 31, 1983, together with a technical report designated as PGE–1037, "Trojan Nuclear Plant Spent fuel Storage Rack Replacement Report."

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility or a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reductioin in a margin of safety.

The Commission has provided guidance concerning the application of these standards by providing examples of amendments considered likely, and not likely, to involve a significant hazards consideration. These were published in the **Federal Register** on April 6, 1983 (48 FR 14870). Spent fuel pool reracking was specifically excluded from the list of examples considered likely to involve a significant hazards consideration. Pending further study of this matter, the Commission is making a finding on the question of no significant hazards consideration for each reracking application such as this on a case-by-case basis, giving full consideration to the technical circumstances of the case, using the standards of § 50.92 (48 FR 14869).

The licensee's submittal of August 1, 1983 and Amendment 1 of October 31, 1983 included a discussion of the proposed action with respect to the issue of no significant hazards consideration. This discussion has been reviewed and the Commission finds it acceptable. Pertinent portions of the licensee's discussion of this mater, addressing each of the three standards, is presented below.

In general consideration, this amendment does little more than allow the storage of spent fuel assemblies that have greater than nine years' decay after discharge to the SFP. The additional 757 assembies that could be stored will have a much lower heat generation rate and radioactivity content than the 651 assemblies currently allowed to be stored, and, therefore will increase the total SFP heat load and radioactivity content by only a small amount. The storage of recently discharged spent fuel has already been approved by the NRC.

The replacement spent fuel storage racks are of the freestanding, neutron absorber type of design without attachments to each other or the SFP (sliding is permitted under lateral loading). Racks of this type designed by Nuclear Energy Services, Inc. (the vendor for the Trojan racks) have been licensed for use at five nuclear plants, and racks of similar design by other vendors are in use at many nuclear plants.

First Standard

Involve a significant increase in the probability or consequences of an accident previously evaluated.

Analysis of this proposed spent fuel rack replacement has been accomplished using current NRC Staff accepted Codes and Standards as specified in Chapter 2 of PGE–1037. The results of the analysis show that the specified acceptance criteria set forth in these standards are met.

Probabilities

The following potential accident scenarios have been identified and are discussed in Chapters 3 and 4 of PGE–1037:

(1) Seismic events.

(2) Tornado-generated missile impacts.

(3) Load drops, including a fuel handling accident.

(4) Loss of SFP forced cooling.

(5) Criticality accidents.

(6) Installation accidents.

The probability of an occurrence for any of the first four accidents is not affected by the racks themselves, since they are essentially initiating events; thus, rack replacement cannot increase the probability of these accidents.

The probability of a criticality accident is discussed in Section 3.1 of PGE–1037. The racks were evaluated against the guidelines, "NRC Position for Review and Acceptance of Spent Fuel Storage and Handling Applications". All potential events that could involve accidental criticality were examined. It was concluded that the only event that could result in accidental criticality was the placement of an assembly adjacent to a loaded storage rack during rack replacement. This will be precluded by administrative controls during rack replacement requiring a vacant row of cells be maintained along the exposed side of the racks containing fuel. Therefore, the probability of a criticality accident will not be increased over that which was evaluated by the NRC in their review of the previous Trojan rack replacement submittal (License Amendment 34, November 3, 1978).

In regard to installation accidents, Sections 3.3.3 and 5.1 of PGE–1037 describe the analysis of installation accidents. As indicated in these sections, precautions acceptable to the NRC Staff will be taken via procedures and interlocks on the SFP bridge crane to preclude the movement of racks or other "heavy" loads over spent fuel. Thus, the proposed Trojan SFP rack replacement will not involve an increase in probability of an accident over that which was evaluated by the NRC in their review of the previous Trojan rack replacement submittal.

Consequences

The consequences of a design basis seismic event have been evaluated and are described in Section 3.3.3 of PGE–1037. The racks were evaluated against the appropriate standards described in Section 2.3 of PGE–1037. The results of the analysis show that the proposed racks meet all of the NRC structural acceptance criteria applicable to Trojan, and are consistent with results found acceptable by the NRC Staff in the previous Trojan rack replacement Safety Evaluation Report (November 11, 1977). Thus, the consequences of seismic events for the new storage racks will not significantly increase from those previously evaluated for the present storage racks.

The consequences of tornado missile impacts have been analyzed and are described in Section 3.3.3 of PGE–1037. The racks were evaluated against Trojan design basis tornado missiles and the appropriate standards as described in Section 2.3 of PGE–1037. The results of this analysis show that the accident consequences will not exceed those postulated for the fuel handling accident described in the Trojan Updated FSAR, Section 15.7.4 [The analysis and consequences in the Updated FSAR are unchanged from that in the original FSAR, which was reviewed and accepted by the NRC, and documented as such in the Trojan Safety Evaluation Report.] Thus, the consequences of tornado missile impacts will not increase from previously evaluated events.

Load drop accidents potentially include both "light" loads, which have an impact energy less than the limit specified in the Trojan Technical

Specifications (240,000 in.-lbs), and "heavy" loads, as described in NUREG-0612, "Control of Heavy Loads at Nuclear Power Plants". The consequences of load drop accidents other than "Heavy" loads have been evaluated and are described in Section 3.3.3 of PGE-1037. The racks were evaluated in accordance with the appropriate criteria as described in Section 2.3. The results of this analysis show that the accident consequences will not exceed those postulated for the fuel handling accident described in the Trojan Updated FSAR, Section 15.7.4 [The analysis and consequences in the Updated FSAR are unchanged from that in the original FSAR, which was reviewed and accepted by the NRC, and documented as such in the Trojan Safety Evaluation Report]. Thus, the consequences of "light" load drop accidents will not increase from previously evaluated accidents.

Section 4.2.5 of PGE-1037 discusses "heavy" load drop accidents. As explained in Section 4.2.5, with the possible exception of a spent fuel shipping cask, no "heavy" load drops into the SFP are credible. In regard to the spent fuel assembly shipping cask, Amendment 1 to LCA 94 includes a change to Page 5g of License NPF-1 which prohibits the movement of a spent fuel assembly shipping cask into the Fuel Building. Therefore, the consequences of "heavy" load drops will not increase from previously evaluated accidents.

The consequences of a loss of SFP forced cooling have been evaluated and are described in Section 3.2.2 of PGE-1037. As indicated in Section 3.2.2, if a loss of SFP forced cooling should occur, there is ample time to effect repairs to the cooling system or to establish a makeup flow. The maximum water boiloff rate of 95-gpm is less than the 200-gpm makeup rate given in the Trojan Updated FSAR, Section 9.1.3. [The analysis and consequences in the Updated FSAR are unchanged from that in the original FSAR, which was reviewed and accepted by the NRC, and documented as such in the Trojan Safety Evaluation Report.] Therefore, the consequences of this type of accident will not be significantly increased from previously evaluated accidents by this proposed rack replacement.

The consequences of a criticality accident are analyzed in Section 3.1 of PGE-1037. As indicated above, it has been determined that, with the inclusion of administrative controls to maintain a vacant row of cells along the exposed side of the racks containing fuel during rack installation, there are no postulated events which will result in a criticality accident. Therefore, the consequences of a critically accident are not increases from the consequences previously evaluated by the NRC for the prior rack replacement.

The consequences of an installation accident (i.e., dropping of a spent fuel rack or other "heavy" load during rack replacement) are analyzed in Sections 3.3.3 and 5.1 of PGE-1037. The consequences were evaluated against the criteria described in Section 2.3. As indicated in Sections 3.3.3 and 5.1, precautions will be taken via administrative procedures and interlocks on the SFP bridge crane to preclude the movement of racks or other "heavy" loads over spent fuel. Thus, the consequences of an accident during rack replacement will not be significantly increased from previously evaluated accidents.

Therefore, it is shown that the proposed Trojan spent fuel rack replacement will not involve a significant increase in the probability or consequences of an accident previously evaluated.

Second Standard

Create the possibility of a new or different kind of accident from any accident previously evaluated.

PGE has evaluated the proposed rack replacement in accordance with the "NRC Position for Review and Acceptance of Spent Fuel Storage and Handling Applications", appropriate NRC Regulatory Guides, appropriate NRC Standard Review Plan sections, and appropriate industry Codes and Standards as described in Chapter 2 of PGE-1037. In addition, PGE has reviewed the NRC Safety Evaluation Report for the previous Trojan spent fuel rack replacement application.

The conclusion of this review is that the proposed rack replacement does not create the possibility of a new or different kind of accident from any previously evaluated. All possible accidents have been previously analyzed and evaluated for the original spent fuel storage racks and the prior rack replacement. As discussed in the previous section, a cask drop accident cannot occur since no casks will be moved into the Fuel Building at Trojan.

Third Standard

Involve a significant reduction in a margin of safety.

The issue of margin of safety when applied to a spent fuel rack replacement modification needs to address the following areas (as established by the NRC Staff Safety Evaluation review process):

a. Nuclear criticality considerations.

b. Thermal hydraulic considerations.

c. Mechanical, material, and structural considerations.

The margin of safety that has been established for nuclear criticality considerations is that the neutron multiplication factor in the SFP is to be $\geq$ to 0.95, including all uncertainties, under all conditions. For the proposed modification, the criticality analysis is described in Section 3.1 of PGE-1037.

The methods utilized in the analysis conform with ANSI N210-1976, "Design Objectives for LWR Spent Fuel Storage Facilities at Nuclear Power Stations"; ANSI N16.9-1975, "Validation of Calculational Methods for Nuclear Criticality Safety"; and the NRC guidance, "NRC Position for Review and Acceptance of Spent Fuel Storage and Handling Applications". The computer programs, data libraries, and benchmarking data used in the evaluation have been used in previous spent fuel rack replacement applications by other NRC licensees and have been reviewed and approved by the NRC. The results of this analysis indicate that K is < 0.95 under all postulated conditions, including uncertainties at a 95/95 probability/confidence level. Thus, meeting the acceptance criteria for criticality, the proposed rack replacement does not involve a significant reduction in the margin of safety for nuclear criticality.

From a thermal hydraulic consideration, the aras of concern when evaluating if there is a significant reduction in margin of safety are: (1) Maximum fuel temperature, and (2) the increase in temperature of the water in the pool. The thermal hydraulic evaluation is described in Section 3.2 of PGE-1037. Results of these analyses show that fuel cladding temperatures under abnormal conditions are sufficiently low to preclude structural failure and the boiling does not occur in the water channels between the fuel assemblies nor within the storage cells. However, the proposed rack replacement will result in an increase in the maximum heat load in the Trojan FEP. As shown in Section 3.2 the maximum SFP temperature will not exceed the current margin of safety (140°F) given in Trojan Updated FSAR Section 9.1.3 for a normal refueling. For the maximum normal heat load case (full-core discharge at 150 hr after shutdown, which fills the SFP to its capacity), the SFP temperature will not exceed 140°F unless the temperature of the Columbia River rises above 69°F. Under extreme Columbia River water temperatures the maximum calculated

SFP temperature is 146°F, which will fall below 140°F after an additional 33 hr of spent fuel decay time. This maximum temperature increase above 140°F for 33 hr is not significant from a safety standpoint. In addition, since SFP water temperature is continuously monitored and alarmed in the control room, appropriate action can be taken should the SFP water temperature approach 140°F during refueling operations. Thus, it is concluded that the margin of safety of 140°F described in Trojan Updated FSAR Section 9.1.3 will not be significantly reduced by this SFP rack replacement.

The mechanical, material, and structural considerations of the proposed rack replacement are analyzed in Section 3.3 of PGE–1037. As described in Section 3.3.3, the racks are designed in accordance with the applicable NRC Regulatory Guides, Standard Review Plan sections, and position papers, as well as the appropriate industry Codes and Standards. The racks are designed to Seismic Category I requirements and are classified as ASME Code Class 3 Component Support Structures. The materials utilized are described in Section 3.3 and are compatible with the SFP and the spent fuel assemblies. The conclusion of the analysis in Section 3.3 is therefore that the margin of safety is not significantly reduced by the proposed rack replacement.

Thus, it has been shown that the proposed Trojan SFP rack replacement does *not:*

a. Involve a significant increase in the probability or consequences of an accident previously evaluated; or

b. Create the possibility of a new or differend kind of accident from any accident previously evaluated; or

c. Involve a significant reduction in a margin of safety.

Because the submittal and above discussion presented by the licensee appear to demonstrate that the standards specified in 10 CFR 50.92 are met, and because the racking technology in this instance has been well develped and demonstrated, the Commission proposes to determine that operation of the facility in accordance with the proposed amendment does not involve a significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch.

By January 5, 1984, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practices for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witness.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., By the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free

telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to James R. Miller: Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to J. W. Durham, Senior Vice President, Portland General Electric Company, 121 SW. Salmon Street, Portland, Oregon 97204, attorney for the licensee.

Nontimely filing of petitions for leave to intervene, amended petitions, supplemental petitions and/or request for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i) (v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., at and the local public document room located at the Multnomah County Library, Social Science and Science Department, 801 SW., 10th Avenue, Portland, Oregon 97205.

Dated at Bethesda, Maryland, this 25th day of November, 1983.

For the Nuclear Regulatory Commission.

James R. Miller,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 83-32298 Filed 12-2-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-272]

Public Service Electric and Gas Co.; Issuance of Amendment to Facility Operating License and Final Determination of no Significant Hazards Consideration

The Nuclear Regulatory Commission (Commission) has issued Amendment No. 54 to Facility Operating License No. DPR-70, issued to Public Service Electric and Gas Company (the licensee), which revised the Technical Specifications for operation of the Salem Nuclear Generating Station, Unit No. 1 (the facility) located in Salem County, New Jersey. The amendment was effective as of the date of its issuance.

The amendment on a one-time basis, extends the 40±10 month interval of technical specification 4.6.1.2a during the first 10 year service period to permit the second inservice integrated leak rate test to be performed during the fifth refueling outage.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rule and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing in connection with this action was published in the **Federal Register** on September 21, 1983 (48 FR 43113). A request for a hearing was filed on October 21, 1983 by the State of Delaware.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the Safety Evaluation related to this action. Accordingly, as described above, the amendment has been issued and made immediately effective and any hearing will be held after issuance.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to the action see: (1) The application for amendment dated July 22, 1983, (2) Amendment No. 54 to Facility Operating License No. DPR-70, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Salem Free Library, 112 West Broadway, Salem, New Jersey, 08079.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 22nd day of November, 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 83-32299 Filed 12-2-83; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Three Mile Island Unit 1; Cancelled Meeting

The ACRS Subcommittee on Three Mile Island Unit 1 scheduled for December 7, 1983 in Room 1167, 1717 H Street, NW, Washington, DC, has been cancelled indefinitely.

Dated: December 1, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-32477 Filed 12-2-83; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Public Information Collection Requirement Found in Current Rule For OMB Review

AGENCY: Office of Personnel Management.

ACTION: Notice of public information collection requirement submitted to OMB for clearance.

SUMMARY: In accordance with the "Paperwork Reduction Act of 1980" (44 U.S.C. Chapter 35), this notice announces a collection of information requirement found in 5 CFR Part 950, Solicitation of Federal Civilian and Uniformed Personnel for Contributions to Private Voluntary Organizations. The requirement consists of the annual application which must be submitted to OPM by national agencies in order to be considered for solicitation privileges in domestic or overseas campaigns in the Federal service. For copies of this proposal, call John P. Weld, Agency Clearance Officer, on (202) 632-7720.

DATES: Comments on this proposal should be received within 10 working days from the date of this publication.

ADDRESSES: Send or deliver comments to:

John P. Weld, Agency Clearance Officer, U.S. Office of Personnel Management, 1900 E Street, N.W., Room 6410, Washington, D.C. 20415; and
Frank Reeder, Information Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503

FOR FURTHER INFORMATION CONTACT:
John P. Weld, (202) 632-7720.

Office of Personnel Management.

Donald J. Devine,

Director.

[FR Doc. 83-32325 Filed 12-2-83; 8:45 am]

BILLING CODE 6325-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 13644; (812-5625)]

American Pioneer Government Securities Fund, Inc.; Application

November 28, 1983.

In the matter of American Pioneer Government Securities Fund, Inc., American Pioneer Arizona Tax Free Securities Fund, Inc. and Pioneer Securities, Inc., 1121 East Missouri Avenue, Phoenix, AZ 85014.

Notice is hereby given that American Pioneer Government Securities Fund, Inc. (the "Government Fund") and American Pioneer Tax Free Securities Fund, Inc. ("Bond Fund") (the "Funds"), both registered under the Investment Company Act of 1940 ("Act") as open-end, diversified management investment companies, and Pioneer Securities, Inc., a registered broker-dealer and the principal underwriter and distributor of the Government Fund (together with the Funds, "applicants"), filed an application on August 10, 1983, reguesting an order of the Commission, pursuant ot Section 11(a) of the Act, approving a certain offer of exchange between the Funds, and, pursuant to Section 6(c) of the Act, exempting the exchange from Section 22(d) of the Act. All interested persons are referred to the application, as amended, on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the complete text of the relevant provisions of the Act.

According to the application, the Government Fund registered with the Commission under the Act and the Securities Act of 1933, as amended, on October 28, 1981, and its registration statement became effective on June 30, 1982. The Government Fund sells its own shares of common stock to the public without a sales charge. The application indicates that the Bond Fund registered under the Act on June 20, 1983, and its reqistration statement became effective on October 21, 1983. The Bond fund offers its shares to the public at net asset value plus a sales charge. The Applicant further states that the Funds permit reinvestment of dividends and capital gains at net asset value without a sales charge.

Applicants propose that the Bond Fund offer an exchange privilege to the shareholders of the Government Fund so that shareholders of the Government Fund would be able to exchange their shares for shares in the Bond Fund on the basis of relative net asset value, plus an applicable sales charge depending on the amount of the transaction (and on whether the combined purchase privilege described in the application applies). Applicants further state that, once a sales charge was paid, all future exchanges would be made without a sales charge, but that a transaction fee of $5.00, estimated to cover administrative costs would be charged on each exchange.

According to the application, shareholders of the Funds would be informed of the exchange privilege in the Funds' prospectuses. Applicants state further that the Funds would reserve the right to modify the exchange privilege and would also retain the right to restrict the privilege with respect to any shareholder who used it to the detriment of either Fund.

Applicants assert that the proposed offer of exchange would be on a basis other than relative net asset value because a shareholder in the Government Fund would be required to pay a sales charge for an exchange into the Bond Fund. For this reason, Applicants submit that the making of this offer would not be permissable under Section 11(a) of the Act without an order of the Commission. Applicants further submit that it is possible that an exchange into the Bond Fund, absent a sales charge, would constitute a violation of Section 22(d) of the Act since a shareholder would be able to purchase shares in the Bond Fund at a sales charge other than that described in the prospectus by purchasing shares of the Government Fund and subsequently exchanging those shares at net asset value for shares of the Bond Fund.

Applicants assert that imposition of a sales charge to shareholders of the Government Fund exchanging into the Bond Fund would equalize the cost to all shareholders purchasing Bond Fund shares and would result in equitable treatment of the shareholders of the Funds. Applicants further submit that without this charge, a person could purchase shares of the Government Fund, then exchange them for Bond Fund shares without incurring any sales charge, while a person directly purchasing Bond Fund shares would incur such a charge.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than December 23, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-32354 Filed 12-2-83; 8:45 am]

BILLING CODE 8010-01-M

Cincinnati Stock Exchange; Application for Unlisted Trading Privileges and of Opportunity for Hearing

November 29, 1983.

The above named national securities has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities and Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of:

Washington Water Power Company
Common Stock, No Par Value (File No. 7-7231)

This security is listed and registered on one or more other national securities exchange and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before December 20, 1983 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission

will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-32356 Filed 12-2-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 23138; (70-6823)]

New England Energy, Inc.; Proposed Investment by Energy Subsidiary in Oil and Gas Partnership

November 29, 1983.

New England Energy, Incorporated ("NEEI"), 25 Research Drive Westborough, Massachusetts 01581, a non-utility subsidiary of New England Electric System ("NEES"), a registered holding company, has filed an application pursuant to Sections 9(a) and 10 of the Public Utility Holding Company Act of 1935 ("Act").

NEEI has participated in most of its oil and gas exploration and development through a partnership ("Partnership") with Samedan Oil Corporation ("Samedan"), a subsidiary of Noble Affiliates, Inc. and a non-affiliate. By order dated December 17, 1982 (HCAR No. 22784), NEEI was authorized to invest in its Partnership up to $125 million through December 31, 1983 for exploration and development. As of October 31, 1983, NEEI had invested about $80 million under that authorization.

Authorization is now being sought for NEEI to invest up to $125 million in the Partnership through December 31, 1984. Of this investment, NEEI estimates that $65 million will be used by the Partnership for exploration purposes including lease purchases, that $45 million will be used for NEEI's share of expenses for development of successful prospects and that an additional $15 million will be used for contingencies such as any unusual success in lease sales and development off the coast of California.

NEEI's investments of up to $125 million in the Partnership through December 31, 1984, would be financed from the following sources:

Bank Loan: By order dated August 24, 1981 (HCAR No. 22175), the Commission authorized NEEI to enter into a revolving credit and term loan agreement with Bank of Montreal, New York Branch, Citibank, N.A. providing for up to $400 million in borrowings outstanding under the revolving credit portion through December 31, 1985. Total borrowings are expected to be about $310 million at December 31, 1983, leaving $90 million available under the bank loan through 1985.

NEES Investment: The August 24, 1981 order approving the bank loan, also extended through the term of the bank loan the authority for NEES to invest up to $45 million in NEEI through acquisition of subordinated notes or common stock. As of August 31, 1983, the total of outstanding common stock and NEEI subordinated notes issued to NEES was about $40.9 million. It is estimated that NEES investment will be about $40 million at December 31, 1983.

Deferred Taxes: Pursuant to a Tax Allocation Agreement adopted and filed pursuant to Rule 45(c), NEEI will be credited with and receive the cash equivalent of reductions in consolidated tax liabilities arising from the inclusion of its tax losses in the consolidated tax returns of the NEES system. NEEI estimates it will receive in 1984 approximately $425 million in such payments from other system companies. These payments are accounted for by NEEI as deferred federal income taxes.

Sales to Nonaffiliates: NEEI anticipates recovery of approximately $56 million of its investment through sales to nonaffiliates in 1984.

The amended application and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by December 21, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division or Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-32353 Filed 12-2-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20422 (SR-NYSE-83-46)]

New York Stock Exchange, Inc.; Order Approving Rule Change

November 29, 1983.

The New York Stock Exchange, Inc. ("NYSE"), 11 Wall Street, New York, New York 10005, submitted on September 30, 1983, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, to amend NYSE Rule 104.15 to delete the current restriction that permits a member to register as a relief specialist for only one particular specialist or specialist group.[1] The intent of the rule change is to deal with peaks in volume in current high volume markets that may occasionally create temporary manpower shortages in some specialist units. In such cases, a specialist unit's regular staffing and relief arrangements may be temporarily inadequate. The Exchange anticipates that, by lifting the current restriction noted above, it will ensure that adequate manpower levels are maintained under unusual market conditions. The rule change will allow a specialist unit that calls on its relief unit for assistance to be able to obtain its services, even if such people are also "on call" as relief specialists for other specialist units. The Exchange also has noted that it does not view such relief arrangements as a substitute for specialilst units having adequate staffing during normal periods.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 20276, October 13, 1983) and by publication in the **Federal Register** (47 FR 49117, October 24, 1983). No comments were received with respect to the proposed rule filing.

[1] Rule 104.15 also provides that any member registered as a regular specialist must either (1) be associated with other members also registered as a regular specialist in the same stocks, either through a partnership or a member corporation or a joint account, and arrange for at least one member of the group to be in attendance during the hours when the Exchange is open for business; or (2) arrange for the registration by at least one other member as a relief specialist to take over the "book" or to sevice the market, so that there would be no interruption of the continuity of service.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)92) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-32355 Filed 12-2-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20423 (File No. SR-PSE-83-10)]

Pacific Stock Exchange, Inc., Order Approving Proposed Rule Change

November 29, 1983.

I. Introduction

On June 27, 1983, the Pacific Stock Exchange, Inc. ("PSE"), 618 Spring Street, Los Angeles, CA 90014, filed with the Securities and Exchange Commission a proposed rule change under Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 under the Act. This proposed rule change would revise PSE's rules to accommodate the trading of options on stock indices and to introduce trading in options on a specific 100 stock index to be called the PSE High Technology Index (the "index").[1] On September 2, 1983, and November 2, 1983 the PSE submitted amendments to this filing.[2] PSE also submitted to the Commission two letters supporting its contention that the index is "broad-based".[3] The contents of these submissions are described below.

II. The PSE Proposal

A. The Composition of the Index

The proposed High Technology Index is comprised of 100 different stocks that are intended to represent a spectrum of companies principally engaged in manufacturing or service related products within the advanced technology fields. Fifty-five percent of the stocks in the index are listed on either the New York Stock Exchange, Inc. ("NYSE") or the American Stock Exchange, Inc. ("Amex"), and 45 percent are traded over-the-counter ("OTC") only. The 45 OTC stocks in the index have been designated national market system securities, meaning, among other things, that last sale reports are available for these stocks. The stocks of the listed companies in the index comprise 69 percent of the value of the index [4] and the OTC stocks in the index comprise 31 percent of the value of the index. No one stock comprises more than 3.87 percent of the total index value, with the top ten companies comprising 28.33 percent of the index.[5] The price per share of the stocks in the index range from a high of 133¼ (Motorola) to 5 (Vector Graphic, Inc.). The total number of shares outstanding for the stocks in the index range from a high of 600,460,389 shares (IBM) to a low of 1,989,663 shares (Datum, Inc.).

Under PSE's proposed rules, the Exchange would revise the composition of the index from time to time "in order to maintain the integrity and purpose of the index." In addition, in its filing PSE states that: (1) No stock will be added to the index for which last sale reports are not available, and (2) trading volume and number of shares outstanding will be considered in selecting any replacement securities.

B. Calculation of the Index and Contract Specifications

Because the index is price-weighted, the index value is calculated by adding the prices of one share of each of the companies in the index and dividing that sum by a pre-establilshed divisor; the PSE intends to calculate the initial divisor so that the index value will equal 100 on December 31, 1983. [6] The index value is then multiplied by the index multiplier, which is proposed to be 100, to reach the aggregate exercise price of the option contract. The index option would be cash-settled, so that the difference between the closing index value on the date of exercise times the index multiplier and the aggregate exercise price will be the dollar amounts a purchaser or seller of an index option would receive or deliver upon exercise of the option.

The PSE proposes to use exercise price intervals of 5 points when the index value is less than 200, and 10 points when the index value is greater than 200. The index would trade on a January-April-July-October exercise cycle.

C. Position and Exercise Limits, Margin and Trading Halts; PSE's Request for Broad-Based Index Option Treatment

The PSE proposes that the position and exercise limits applicable to the index be the equivalent of a $300 Million position in the option, and the PSE proposes to set the initial limits at 15,000 contracts. In addition, PSE proposes that customers be required to deposit and maintain margin equal to at least 100 percent of the current market value of the index option contract plus 10 percent of the index value multiplied by the index multiplier. The amount of margin required would be decreased by any excess of the aggregate exercise price of the option over the index value multiplied by the index multiplier in the case of call, or any excess of the index value multiplied by the index multiplier over the aggregate exercise price of the option in the case of a put. The minimum margin would never be less than the option market value plus 2 percent of the index value times the index multiplier. Trading in the index option would be halted or suspended whenever trading is halted or suspended, or, in the case of OTC stocks, quotation dissemination is suspended, in stocks representing 20 percent of the value of the index, or whenever the PSE deems such action appropriate or necessary in the interest of a fair and orderly market or to protect investors.

These proposed rules reflect PSE's request that the index be considered a "broad-based" index.[7] In support of this

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[1] Notice of the proposed rule change was given in Securities Exchange Act Release No. 20011 (July 27, 1983); 48 FR 35543 (August 4, 1983).

[2] Notice of Amendment No. 1 was given in Securities Exchange Act Release No. 20170 (September 9, 1983); 48 FR 41545 (September 15, 1983). Amendment No. 2 was purely technical in nature and was not noticed.

[3] Letter dated September 1, 1983, from Karen Wendell, PSE, to George A. Fitzsimmons, Secretary, SEC; and letter dated October 18, 1983 from Charles E. Rickershauser, Chairman, PSE, to John S. R. Shad, Chairman, SEC.

[4] All calculations made for purposes of this release are based upon the closing prices of the stocks as reported on the consolidated tape on August 18, 1983.

[5] The top ten companies in the index and their share of the total index value are as follows: Motorola (3.87 percent); IBM (3.53 percent); Honeywell (3.38 percent); NCR (3.34 percent); Texas Instruments (3.18 percent); Digital Equipment (2.78 percent); Hewlett-Packard (2.39 percent); Tektronix (2.15 percent); Data General (2.03 percent); and Novo Industries A/S (1.68 percent).

[6] The PSE states that it will recalculate and disseminate the index value at least once a minute and will ensure that the daily closing index value will be published in a national business periodical.

[7] The Commission has previously approved similar rules for options on indices it considered to be market-wide. For narrow-based index options intended to reflect price movements in a particular industry sector, the Commission has required rules more similar to those applicable to options on individual stocks. In addition, if an index is deemed narrow-based, it would be subject to the limitations of the Commission phase-in policy for narrow-based index options. These matters are discussed in detail below.

request, PSE states that there is a close correlation between the price movements in the index and other indices that measure movement of the market as a whole. In this regard, PSE notes that the coefficients of determination between the PSE index an Standard and Poor's 500 Index ("S&P 500") and the Dow Jones Industrial Average ("DJIA") for the period from December 1977 through July 15, 1983 are .767 and .725, respectively. In addition, PSE argues that its index is broad-based because it includes a large number of stocks from a number of different industries, and because the index is price-weighted and thus not likely to be greatly affected by the price movement of any one particular underlying security.

D. Other Proposed Rules Applicable to Trading in the Index Option

For the most part, the rules governing trading in the PSE's proposed index options contract would be the same as those applicable to individual options trading. In addition to the proposed rules noted above, there are certain other rules that relate specifically to index options trading. The other rules are described in detail in the notice of PSE's proposal. Among other things, these rules include provisions (1) requiring that trading not be opened in the option until trading has commenced in 50 percent of the securities underlying the index; (2) providing that there shall be no closing rotation in the option on expiration Friday; and (3) requiring that exercise notices be received by PSE member organizations no later than 1:10 p.m. Pacific time.

E. Economic Uses of the Index

The purpose of the index, according to PSE, is to allow an investor to participate in the price movement of an index on a portfolio of 100 securities in the high technology area. In PSE's view the index will also allow investors holding positions in some or all of the underlying securities in the index to hedge the risk associated with their portfolios. Specifically, PSE states that an investor can protect his investment in a company or group of companies whose advanced technology may become outmoded through technological improvements by other companies, or who fail to compete successfully against other companies whose securities also comprise some of the underlying securities of the index.

III. Comments

The Commission received three comment letters regarding the proposed index option. The Securities Industry Association ("SIA") recommended that PSE's proposal be approved by the Commission.[8] The SIA states that the PSE's proposed index, by including OTC securities, will provide the only method by which an investor can hedge a stock position in many high technology OTC securities. This, in the SIA's view, represents "the most significant advance in the options market in some time." In addition, the SIA states that the PSE index option appears to be carefully designed to overcome the expressed industry concerns with indices composed, in part, of OTC securities, including side-by-side market making in such index options and their component securities. In sum, the SIA states its belief that the PSE index option appears designed "to provide a valuable and unique investment tool while avoiding design problems . . ."

The National Association of Securities Dealers, Inc. ("NASD") suggested that the composition of the index raises certain surveillance questions.[9] Specifically, the NASD asserts that because the index is price-weighted and because it contains several stocks with relatively small public floats,[10] one or a few highly priced, relatively thinly capitalized issues might have a disproportionate influence on the overall value of the index. The NASD states that, because the susceptibility of a stock to manipulation is directly related to its public float, it is conceivable that those securities that are most vulnerable to manipulation might in the future have the most relative influence on overall index value. The NASD suggest that this will increase the need to surveil markets for the individual securities contained in the index and that comparative surveillance of securities traded in three different markets (*i.e.*, the NYSE, the Amex and OTC) might be needed to detect a pattern of manipulation involving more than one security. The NASD suggests that market weighting[11] would lessen these potential surveillance problems.[12]

The Amex also commented on the PSE proposal.[13] The Amex suggests that the PSE index should not be treated as a broad-based index option. In support of its position, Amex states that the correlation coefficients between the index and the S&P 500 Index and the DJIA relied upon by PSE do not indicate a high degree of correlation.[14] Furthermore, the Amex states that such correlation coefficients are not meaningful in determining whether an index is broad or narrow-based. According to Amex, the fundamental indicator of whether an index is broad-based is the actual composition of the index. Amex argues that, because PSE's index is limited to the fields of computers and electronics, and does not, unlike Amex's two broad-based index options, contain stocks representing a wide variety of corporate enterprises, it should be considered narrow-based. Because in Amex's view the PSE index should be considered narrow-based, Amex recommends that PSE should be required to apply to its proposed index option the special rules governing position and exercise limits, margin and trading halts that apply to all previously approved narrow-based index options.

The Amex also recommends that, if PSE is allowed to open trading each day when 50 percent of the underlying securities have opened for trading, rather than when stocks accounting for 50 percent of the value of the index have opened, it should be required to submit data demonstrating that in general the first 50 percent of the stocks to open

[8] Letter dated August 26, 1983, from Howard Brenner, Chairman, Options and Derivative Products Committee, to George A. Fitzsimmons, Secretary, SEC.

[9] Letter dated September 22, 1983, from S. William Brohn, Secretary, NASD, to George A. Fitzsimmons, Secretary, SEC.

[10] The public float of a stock as used by the NASD refers to the total number of publicly-held shares outstanding.

[11] A market-weighted index is one whose value is calculated by (1) multiplying the price of one share of stock by the number of shares outstanding for each issuer in the index; (2) adding these values and (3) multiplying that sum by a pre-established divisor. In a market-weighted index, the relative capitalization of each security in the index, rather than its price per share, determines that security's share of the total index value.

[12] In addition, the NASD expresses concern that approval of a PSE index option that includes NASDAQ securities could serve as a precedent for Commission approval of an exchange-traded, narrow-based index option comprised solely of NASDAQ securities. The NASD states that the effect of such a precedent could conceivably be the granting of the franchise in NASDAQ options to options exchanges while the NASD is unable to compete until the Commission acts on the NASD's proposal to trade options in NASDAQ stock and on indices composed of NASDAQ stocks. *See* File No. SR-NASD-80-10 and Amendment No. 1 to that file. Notice of the filing was provided in Securities Exchange Act Release No. 16979 (July 15, 1980), 45 FR 53295 (August 11, 1980); notice of Amendment No. 1 was provided in Securities Exchange Act Release No. 18912 (July 26, 1982); 47 FR 33575 (August 2, 1982).

[13] Letter dated September 23, 1983, from Kenneth Liebler, Executive Vice President, Amex, to George A. Fitzsimmons, Secretary, SEC.

[14] The Amex notes that, for the 1982 calendar year, correlation coefficients between Amex Computer Technology Index (a narrow-based index) and the S&P 500 and the DJIA were .910 and .914, and the correlation coefficients between Amex's Oil and Gas Index (also a narrow-based index) and the S&P 500 and the DJIA were .812 and .708.

each day account for 50 percent of the index value.[15]

IV. Discussion

A. Contract Design and Trading Rules

The Commission has previously stated that, so long as it has no regulatory concerns, it is not inclined to substitute its judgment for the business judgment of the self-regulatory organizations on the design of any particular index option contract.[16] In this regard, the Commission has not attempted to review the proposed PSE contract in terms of the composition of the index. Similarly, the Commission believes that the use of price weighting instead of market weighting does not raise problems under the Act.[17] The Commission has previously approved one price-weighted index (Amex's Major Market Index), and does not feel that price-weighting poses insurmountable surveillance concerns. As the NASD points out, the use of price-weighting gives added influence to several issues contained in the PSE index that have relatively small floats. On the other hand, price weighting ensures that no stock composes a significant percentage of the index (as compared with existing market valued indices where one stock may compose 50 percent or more of the weight of the index). Therefore, the Commission does not believe that the potential for manipulating the index through the less capitalized securities is sufficiently great to raise serious concerns about the appropriateness of the index. The Commission believes that any manipulative potential that this may create can be adequately addressed by PSE's submission to the Commission, prior to the commencement of trading, of a satisfactory surveillance agreement.[18]

In addition, the fact that the proposed index includes OTC securities does not itself raise regulatory concerns. The proposed index is not dominated by one or more OTC securities.[19] Moreover, all the OTC securities included in the proposed index are national market system securities, so that last sale reports are available for transactions in all of them. Thus, the efficient and accurate calculation of the index value should present no problems.[20]

Most of the rules included in the PSE proposal to govern index options trading are drawn from the index options rules of other exchanges previously approved by the Commission.[21] Except as discussed below, therefore, the Commission finds that PSE's proposed index option raises no regulatory concerns that cannot be addressed by adequate surveillance procedures.

B. Margin, Position and Exercise Limits and Trading Halts Procedures: Narrow vs. Broad-Based

For the most part, the exchange rules that apply to stock index options are the same as those applicable to individual stock options. In three areas, however, the Commission has permitted relaxed rules for certain stock index options which generally reflect the secutities market. These rules relate to margin, position and exercise limits and trading halts. As described above, PSE believes that its proposed index is sufficiently diversified to be treated as broad-based and, thus, entitled to have the more relaxed "broad-based index options" rules in these areas apply.

The Commission has required that indices that reflect only a single industry or a narrow industry sector have rules in these areas equivalent to those for options on individual stocks. These indices have been denominated as "narrow-based."[22] The need for the creation of a class of narrow-based options arose because the composition of such index options was such that they could potentially serve as surrogates for options on individual stocks comprising the index. The Commission determined that, by requiring the application to such products of margin, exercise and position limits and trading halts procedures generally equivalent to those applicable to individual stock options, it would avoid conferring any regulatory advantage on narrow-based index options over individual stock options or their underlying securities.[23]

Unlike indices such as the NYSE composite or the S&P 500 which indisputably reflect the securities market as a whole, the PSE's proposed index does not include securities of

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[15] Amex points out that it was required to make a similar statistical submission in support of its parallel rule.

[16] Securities Exchange Act Release No. 19264 (November 22, 1982); 47 FR 53981 (November 30, 1982).

[17] It should be noted, however, that these practices may have implications with respect to matters in which the Commission does have a regulatory interest; *eg.*, the use of price weighting may influence the surveillance procedures PSE must put in place. *See* note 18, *infra*.

[18] The use of price weighting, however, may require that different surveillance techniques be employed by the PSE in seeking to detect and prevent inter-market manipulations. In particular, whereas the focus of inter-market surveillance oversight of a market-value weighted index should be on those stocks with the greatest capitalization, surveillance operations for a price-weighted index cannot be so limited, because weighting is determined by the price of a single share of a company's stock regardless of its capitalization or the number of its shares that are outstanding. The PSE has submited a conceptual framework for the surveillance of the proposed index option. As with past index options contracts approved by the Commission, however, the start-up of trading in the PSE contract is conditioned on the development of an adequate surveillance agreement.

[19] For this reason, the Commission does not feel that PSE's proposed index option "is similar or identical" to the options on individual NASDAQ stocks or on NASDAQ indices that the NASD has proposed. *See* note 12, above. In this regard, the NASD stops short of suggesting that this particular index option is identical or similar to its own proposed option products; rather it has expressed concern that this filing could be a predecessor for exchange proposals to trade such options products. It is unnecessary to address at this time the NASD's concerns regarding other possible exchange filings not now before the Commission.

[20] The inclusion of OTC securities in the proposed index does raise an interpretative question under Section 12(a) of the Act. Section 12(a) forbids trading in any security of an exchange unless that security is registered. Trading in an option on an individual security is deemed to be trading in the underlying security for purposes of Section 12(a), thus requiring registration of the underlying security. *See* Rule 12a–6 under the Act. Trading in an index option similarly could be deemed trading in the securities included in the index, thus requiring registration of all the securities comprising any index option.

The Commission has previously approved an option on an index that included three OTC securities, CBOE's S&P 500 index option. *See* Securities Exchange Act Release No. 19907, June 24, 1983. The Commission did not address the Section 12(a) question at the time. As discussed above, the OTC stocks comprise 45 of the 100 stocks in the index, and comprise 30% of the total index value. No one OTC stock accounts for more than 1.2 percent of the total index value. Thus, the index is not dominated by any one or more of its constituent OTC stocks. The Commission has determined that for purposes of Section 12(a) exchange trading of an option on an index similar in composition to the PSE's proposed index does not constitute exchange trading of the securities underlying these indices. The Commission intends to propose amendments to Rule 12a–6 under the Act that will reflect this interpretative position.

[21] The Commission does not feel it is necessary for PSE to replicate Amex's statistical showing in order to justify its rule requiring that trading in the index option not open until 50 percent of the securities in the index (as opposed to securities representing 50 percent of the value of the index) open for trading.

[22] *See* Securities Exchange Act Release No. 20075, August 12, 1983, 48 FR 37556, August 18, 1983 (ordering approving Amex's two narrow-based index options) and Securities Exchange Act Release Nos. 20125 and 20178, August 26 and September 13, 1983; 48 FR 40046 and 43248, September 2 and 22, 1983 (orders approving CBOE's two narrow-based index options).

[23] The Commision does not agree with PSE arguments that the Commission has failed to set out clear standards regarding what indices should be treated as "narrow-based" for purposes of margin, position limits and other regulatory requirements. In each case, the Commission has looked to whether the index generally reflects the securities market generally or whether it primarly reflects a narrow industry or industry sector. Given the limited opportunity to observe actual trading in stock index options, the Commission believes that the application of this standard to each proposed stock index options contract is the only way it is capable of giving guidance to the exchanges and industry while also addressing its concerns regarding potential manipulation of the index options and fair competition among stock index options, individual options and common stocks.

companies representing a true diversity of corporate enterprises.[24] Moreover, approximately 80 percent of the total value of the proposed PSE index is accounted for by stocks in one industry—the computer industry—with the remaining 20 percent of the total index value accounted for by stocks in related computer-oriented or high technology fields. Because the index is price-weighted and no single stock dominates the index, the Commission acknowledges that options on the index may perhaps not be useful as surrogates for any one stock in the index. The Commission believes, however, that there is a significant chance that options on PSE's index, dominated as it is by one industry and representing at best three industries overall, could be useful as surrogates for a small portfolio of stocks in the index, especially if the more relaxed narrow-based index options rules in the areas of margin, and position limits applied to the index option. In particular, we believe there is a significant chance that, if faced with more relaxed rules in areas such as margin and position limits, broker-dealers might be inclined to direct customers that are interested in one or more computer-oriented stocks, or options on these stocks, to the PSE index option because of these regulatory differences. In addition, the Commission is concerned that more relaxed regulatory treatment may provide the PSE index option with unfair competitive advantages over options on other similar industry indices such as the Amex Computer Technology Index and the CBOE's S&P Computer and Business Equipment Index. For these reasons, the Commission believes that the same regulatory requirements now governing options on other indices primarily reflecting one industry should be applicable to PSE's proposed index option.[25]

The Commission is conditioning, therefore, its approval of the PSE index on PSE filing amendments prior to the commencement of trading in options on the proposed index, governing margin, position and exercise limits and trading halt procedures that are equivalent to the rules on these matters that govern trading in the narrow-based index options that the Commission has previously approved.[26] In addition, because the proposed index is narrow-based, it will count towards PSE's limit of two such options products under the phase-in program recently adopted by the Commission.[27]

V. Findings and Conclusion

Under Section 19(b)(2) of the Act, the Commission must approve the foregoing rule change if it determines that it is consistent with the requirements of the Act and the rules thereunder applicable to national securities exchanges. The Commission has reviewed carefully the rules proposed by PSE to accommodate the listing and trading of options on stock indices and the specific characteristics of the PSE High Technology Index. For the reasons set forth below, the Commission concludes that the rules provide for adequate and proper regulation of the proposed options, subject, however, to the submission, prior to the commencement of trading in options on the High Technology Index, of (1) margin, position and exercise limits and trading halt procedures that reflect the fact that the index is narrow-based; and (2) an adequate surveillance agreement. In addition, the Commission is conditioning this approval order on agreement by PSE to delay the start-up of trading in its High Technology Index options by at least two weeks following its announcement of the date for start-up of trading.[28] The Commission finds that, subject to the fulfillment of these conditions, the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder, and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change, subject to these conditions, is approved.

By the Commission.

George A. Fitzsimmons,

Secretary.

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[24] While not integral to the Commission's analysis, the Commission agrees with the Amex that the statistical correlation between the PSE's proposed index and market-wide indices such as the S&P 500 is not sufficient to suggest that the PSE High Tech Index reflects the market as a whole.

[25] The Commission has as one of its fundamental goals imposing the least regulatory requirements consistent with fair competition and the protection of investors. Therefore, as the Commission and the industry learn more about how options trade and how they relate to individual options and securities, the Commission reserves the right to revisit the question of whether options on certain indices that only reflect a sector of the market have characteristics that permit lesser regulatory requirements.

[26] For a complete description of these rules, see Securities Exchange Act Release Nos. 20075, August 12, 1983 (the release approving Amex's two narrow-based index options); and 20125, August 26, 1983 (the release approving CBOE's Oil (Integrated International) Industry Index option).

[27] Securities Exchange Act Release No. 20396, November 18, 1983.

[28] We imposed a similar condition upon the start-up of trading by Amex and the CBOE in their narrow-based index options.

[Release No. 23136 (70-6919)]

Yankee Atomic Electric Co.; Proposed Issuance and Sale of Short-Term Notes to Banks and Commercial Paper to a Dealer; Exception From Competitive Bidding

November 29, 1983.

Yankee Atomic Electric Company, ("Yankee Atomic"), 1671 Worcester Road, Framingham, Massachusetts 01701, an electric utility subsidiary of New England Electric System and Northeast Utilities, has filed an application-declaration with this Commission pursuant to Section 6(a), 7, and 9(a) of the Public Utilities Holding Company Act of 1935 and Rules 42(b)(2), 50(a)(2), and 50(a)(5) promulgated thereunder.

Yankee Atomic proposes to issue and sell up to a maximum aggregate outstanding principal amount of $12 million of short-term notes to banks and commercial paper to a dealer through December 31, 1984. The bank notes are expected to be sold to the Bank of Nova Scotia ("Nova Scotia") or the Bank of Nova Scotial International (Curacao), N.V. ("International"). The commercial paper would be sold to A.G. Becker and Company, Incorporated ("Becker") and/or Lehman Commercial Paper Incorporated ("Lehman"). The proceeds will be used for Yankee Atomic's 1984 expenditures including approximately $12 million for nuclear fuel and $6 million of capital expenditures for plant improvements.

Voluntary prepayments of bank borrowings in whole or in part, is not subject to premium or penalty. However, if Yankee Atomic makes a voluntary prepayment on advances by International on other than a LIBO Rate rollover date, Yankee Atomic is required to compensate this bank for any loss or expense. Advances made by Nova Scotia shall bear interest at ½ of 1% above its base rate per annum. Borrowings from International shall bear interest at ¾ of 1% above its 1, 2, 3, 6, or 9 month LIBO Rate as selected from time to time by Yankee Atomic. Yankee Atomic is to pay a monthly standby fee of ⅜ of 1% per annum on the average daily unborrowed portion of the line of credit. Assuring borrowings at the maximum amount of the line of credit, based on the current base rate of 11.00%

and using the 6-month LIBO Rate of 10.00%, effective interest cost to Yankee Atomic under borrowings with Nova Scotia and International would be 11.50% and 10.75%, respectively.

The commercial paper will be in the form of unsecured promissary notes having maturities of up to 270 days. It will be prepayable prior to maturity. Becker and/or Lehman will initally reoffer the commercial paper at a discount rate not more than ⅛ of 1% per annum less than the prevailing discount rate to Yankee Atomic. No commercial paper notes having a maturity of more than 90 days will be issued at an effective interest cost which exceeds the effective interest cost at which Yankee Atomic could borrow from Nova Scotia and International. Yankee Atomic requests an exception from Rule 50(b) as competitive bidding is unnecessary and inappropriate with regard to the issuance and sale of commercial paper.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by December 23, 1983, to the Secretary, Securities and Exchange Commision, Washington, D.C. 20549, and serve a copy on the applicant-declarent at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commmission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-32358 Filed 12-2-83; 8:45 am]

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Boston Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

November 28, 1983.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Alza Corp.
Class A Common Stock, $1 Par Value (File No. 7-7220)
Texas Air Corporation
Common Stock, $.01 Par Value (File No. 7-7221)
Texaco Canada, Inc.
Common Stock, No Par Value (File No. 7-7222)
Verbatin Corp.
Common Stock, No Par Value (File No. 7-7223)
Bolt, Beranex & Newman, Inc.
Common Stock, $1 Par Value (File No. 7-7224)
TIE/Communications, Inc.
Common Stock, $.05 Par Value (File No. 7-7225)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before December 19, 1983 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exhange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-32314 Filed 12-2-83; 8:45 am]

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Cincinnati Stock Exchange; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

November 28, 1983.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Murphy Oil Corporation (Holding Co.)
Common Stock, $1 Par Value (File No. 7-7226)
Consolidated Oil & Gas, Inc.
Common Stock, $.20 Par Value (File No. 7-7227)
Granger Associates
Common Stock, No Par Value (File No. 7-7228)
Great Lakes Chemical Corp.
Common Stock, $1 Par Value (File No. 7-7229)
TeleConcepts Corp.
Common Stock, $.10 Par Value (File No. 7-7230)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before December 19, 1983, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-32316 Filed 12-2-83; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-0067]

Mickelberry Corporation Common Stock, $1 Par Value; Application To Withdraw From Listing and Registration

November 28, 1983.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. The common stock of Mickelberry Corporation ("Company") is listed and registered on the Amex. Pursuant to a Registration Statement on Form 8-A

which became effective on September 26, 1982, the Company is also listed and registered on the New York Stock Exchange ("NYSE"). The Company has determined that the direct and indirect costs and expenses do not justify maintaining the dual listing of the common stock on the Amex and the NYSE.

2. This application relates solely to withdrawal of the common stock from listing and registration on the Amex and shall have no effect upon the continued listing of such stock on the NYSE. The Amex has posed no objection to this matter.

Any interested person may, on or before December 19, 1983 submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-32315 Filed 12-2-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 23133 (70-6923)]

Middle South Utilities, Inc., et al.; Proposal To Continue System Money Pool and To Sell Short-Term Notes to Banks and a Commercial Paper Dealer; Request for Exception From Competitive Bidding

November 28, 1983.

In the matter of Middle South Utilities, Inc., Middle South Services, Inc., System Fuels, Inc., 225 Baronne Street, New Orleans, Louisiana 70112; Arkansas Power & Light Company, First National Building, Little Rock, Arkansas 72203; Louisiana Power & Light Company, 142 Delaronde Street, New Orleans, Louisiana 70174; Mississippi Power & Light Company, Electric Building, Jackson, Mississippi 39201; and New Orleans Public Service Inc., 317 Baronne Street, New Orleans, Louisiana 70112.

Middle South Utilities, Inc. ("Middle South"), a registered holding company, its service company subsidiary, Middle South Services, Inc. ("Services"), its principal operating subsidiaries, Arkansas Power & Light Company ("Arkansas"), Louisiana Power & Light Company ("Louisiana"), Mississippi Power & Light Company ("Mississippi"), and New Orleans Public Service, Inc. ("New Orleans") (collectively, "Operating Companies") and their fuel supply subsidiary, System Fuels, Inc. ("SFI"), have filed an application-declaration with this Commission under Sections 6(a), 7, 9(a), 10, 12(b), and 12(f) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 43, 50(a)(2), 50(a)(3), and 50(a)(5) thereunder.

With the exception of SFI, the applicants-declarants were previously authorized to establish and participate in a system money pool. (The procedures for borrowing from, and lending to, the pool are set forth in File No. 70-6739 and HCAR No. 22550.) It is now proposed that during the period ending December 31, 1985, such companies, including SFI, continue their participation in the pool and that the Operating Companies be authorized to issue and sell short-term notes to banks and to a commercial paper dealer. Total outstanding short-term borrowings made by the Operating Companies during this period would not exceed the lesser of: (1) $213,260,000 for Arkansas; $275,000,000 for Louisiana; $73,000,000 for Mississippi; and $45,000,000 for New Orleans; or (2) ten percent of the sum of: (a) The total principal amount of all outstanding secured indebtedness issued or assumed by an individual operating company; and (b) the then current capital and surplus of such company. Based on this ten-percent restriction, Arkansas, Louisiana, Mississippi, and New Orleans would have been permitted, as of September 30, 1983, to effect total borrowings in aggregate amounts up to $208,220,000, $225,000,000, $63,000,000, and $23,000,000, respectively.

It is also proposed that total borrowings through the money pool by Services and SFI would not exceed, at any one time, outstanding amounts equal to the aggregate unused portions of authorized lines of credit (currently $75 million for Services and $60 million for SFI). Middle South may lend to the pool but is not authorized to borrow therefrom. SFI will be permitted to make borrowings only after the daily needs of the Operating Companies have been satisfied.

Arkansas, Louisiana, Mississippi, and New Orleans would issue short-term notes to various commercial banks: (1) Under individual lines of credit up to maximum aggregate principal amounts of $70,225,000, $29,235,000, $22,000,000, and $22,000,000, respectively; and (2) under consolidated lines of credit up to an additional maximum aggregate amount of $200 million. All notes will mature not more than 270 days from the date of issuance with the right of renewal, will bear interest at the prime rate in effect at time of issuance or renewal, and may, in certain circumstances, be prepayable without penalty. The Operating Companies maintain working accounts with some banks while other banks require the maintenance of compensating balances or the payment of commitment fees. In either case, the effective cost of borrowing would be not more than 11.8%, given a prime rate of 11% and maximum compensating balances or fee payments of 7%.

The proposed commercial paper notes will have varying maturities not to exceed 270 days, will not be prepayable, and will be sold directly to a dealer at a discount not in excess of the discount rate per annum prevailing at the time of issuance for commercial paper of comparable quality and maturity. No commissions or fees will be payable by the Operating Companies in connection with the sale of commercial paper. The dealer may reoffer the notes to not more than 200 of its customers at the customary discount rate for commercial paper in such a manner as not to constitute a public offering.

An exception from the competitive bidding requirements of Rule 50 has been requested for the proposed issuance of commercial paper notes on the grounds that: (1) It is impractical to invite competitive bids for commercial paper; and (2) current rates are published daily. The proceeds from the borrowings will be used for general corporate purposes including business operations, the repayment of bank borrowings, and, in the case of the Operating Companies, construction programs and the funding of maturing long-term debt.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by December 23, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing and will receive a copy of any notice or order issued. After said

date, the application-declaration, as then amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-32313 Filed 12-2-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 2109]

Hawaii; Declaration of Disaster Loan Area

Hawaii County in the State of Hawaii constitutes a disaster area because of damage resulting from an earthquake which occurred on November 16, 1983. Eligible persons, firms, and organizations may file applications for physical damage until the close of business on January 30, 1984, and for economic injury until the close of business on August 29, 1984, at the address listed below: U.S. Small Business Administration, P.O. Box 50207, 300 Ala Mona Room 2213, Honolulu, Hawaii 96850.

or other locally announced locations.

Interest rates for applicants filing for assistance under this declaration are as follows:

	Percent
Homeowners with credit available elsewhere	12.750
Homeowners without credit available elsewhere	6.375
Businesses with credit available elsewhere	11.000
Businesses without credit available elsewhere	8.000
Businesses (EIDL) without credit available elsewhere	8.000
Other (non-profit organizations including charitable and religious organizations)	10.500

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: November 29, 1983.

James C. Sanders,

Administrator.

[FR Doc. 83-32362 Filed 12-2-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 887]

Magnuson Fishery Conservation and Management Act; Applications for Permits To Fish in the United States Fishery Conservation Zone

The Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) requires all foreign vessels fishing in the U.S. Exclusive Economic Zone to have a permit. Section 204 of the Magnuson Act requires the Secretary of State to publish a summary of applications received.

Individual vessel applications for fishing in 1983 have been received from the Governments of the Union of Soviet Socialist Republics and Korea.

If additional information regarding any application is desired, it may be obtained from: Fees, Permits, and Regulations Division (F/M12), National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235 (telephone: (202) 634-7432).

Dated: November 22, 1983.

James A. Storer,

Director, Office of Fisheries Affairs.

Fishery codes and designation of regional councils which review applications for individual fisheries are as follows:

Code	Fishery	Regional council
ABS	Atlantic Billfishes and Sharks.	New England, Mid-Atlantic, South Atlantic, Gulf of Mexico, Caribbean.
BSA	Bering Sea and Aleutian Islands Trawl, Longline and Herring Gillnet.	North Pacific.
CRB	Crab (Bering Sea)	North Pacific.
GOA	Gulf of Alaska	North Pacific.
NWA	Northwest Atlantic	New England, Mid-Atlantic.
SMT	Seamount Groundfish (Pacific Ocean).	Western Pacific.
SNA	Snails (Bering Sea)	North Pacific.
WOC	Washington, Oregon, California Trawl.	Pacific.
PBS	Pacific Billfish and Sharks	Western Pacific.

Activity codes specify categories of fishing operations applied for are as follows:

Activity code	Fishing operations
1	Catching, processing, and other support.
2	Processing and other support only
3	Other support only.

Nation/vessel name/vessel type	Application No.	Fishery	Activity
U.S.S.R.: Samara—Large stern trawler.	UR-83-0047.	GOA, BSA.	2, 3
Korea: No. 106 O Dae Yang Cargi/transport vessel.	KS-83-0099.	BSA, GOA.	3

Joint Venture.—The U.S.S.R. and Marine Resources Company (MRC), 192 Nickerson #307, Seattle, WA 98109, Tele: (206) 285-6424, have applied to engage in a joint venture fishery aimed at harvesting 3,000 metric tons (mt) of Pollock, 3,000 mt Pacific Cod, 1,000 mt Atka Mackerel, 1,600 mt Yellowfin Sole and other flounders, and 430 mt of other species in the Bering Sea and Aleutian Islands. Also harvested will be 3,000 mt of Pollock, 3,000 mt Pacific Cod, 1,000 mt Yellowfin Sole and other flounders, and 430 mt of other species in the Gulf of Alaska. This joint venture will take place during the months of November and December, 1983.

[FR Doc. 83-32363 Filed 12-2-83; 8:45 am]

BILLING CODE 4710-09-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Public Information Collection Requirements Submitted to OMB for Review

Dated: November 30, 1983.

On November 30, 1983 the Department of Treasury submitted the following public information collection requirement(s) to OMB (listed by submitting bureaus), for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of these submissions may be obtained from the Treasury Department Clearance Officer, by calling (202) 535-6020. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 7227, 1201 Constitution Avenue, N .W., Washington, D.C. 20220.

Alcohol, Tobacco & Firearms

OMB Number: 1512-0123
Form Number: ATF 1467 (5110.15)
Type of Review: Existing Regulation
Title: Details of Packages Filled With Denatured Spirits

OMB Number: 1512-0137
Form Number: ATF F 2600 (5150.22)
Type of Review: Existing Regulation
Title: Application for Permit to Use Alcohol Free of Tax

OMB Number: 1512-0068
Form Number: ATF F 1474 (5150.30)
Type of Review: Existing Regulation
Title: Application For A Permit to Deal in Specially Denatured Spirits

OMB Number: 1512-0072
Form Number: ATF F 1479 (5150.23)
Type of Review: Existing Regulation
Title: Application To Use Specially Denatured Spirits

OMB Number: 1512-0075
Form Number: ATF F 1482 (5150.18)
Type of Review: Existing Regulation
Title: User's Report of Denatured Alcohol or Rum

OMB Number: 1512-0367
Form Number: ATF Rec 5220/1
Type of Review: Existing Regulation
Title: Tobacco Export Warehouse—Record of Operations

OMB Number: 1512-0385
Form Number: ATF Rec 5900/1
Type of Review: Existing Regulation

Title: Proprietor's or Claimants Exporting Liquors

OMB Number: 1512–0310
Form Number: ATF Rec 5120/3
Type of Review: Existing Regulation
Title: Records Relating to Decolorizing Wine, Including Notice of Use of Activated Carbon

OMB Number: 1512–0309
Form Number: AFT Rec 5120/4
Type of Review: Existing Regulation
Title: Notice and Record Relating to Use of Carbon Dioxide in Still Wine

OMB Number: 1512–0335
Form Number: ATF Rec 5150/4
Type of Review: Existing Regulation
Title: Letterhead Applications and Notices Relating to Tax Free Alcohol

OMB Number: 1512–0334
Form Number: ATF 5150/3
Type of Review: Existing Regulation
Title: Usual and Customary Business Records Relating to Tax Free Alcohol

OMB Number: 1512–0298
Form Number: ATF Rec 5120/1
Type of Review: Existing Regulation
Title: Usual and Customary Business Records Relating to Wine

OMB Number: 1512–
Form Number: ATF Rec 5000/3
Type of Review: Existing Regulation
Title: Application for Enrollment to Practice Before the Bureau

OMB Number: 1512–0333
Form Number: ATF Rec 5130.1
Type of Review: Existing Regulation
Title: Usual and Customary Business Records Maintained By Brewer

OMB Number: 1512–0270
Form Number: ATF Rec 5110/21
Type of Review: Existing Regulation
Title: DSP—Daily Production Records

OMB Number: 1512–0354
Form Number: ATF Rec 5170/3
Type of Review: Existing Regulation
Title: Retail Liquor Dealers Records of Receipts of Alcoholic Beverages and Commercial Invoices.

OMB Number: 15121–0392
Form Number: ATF Rec 5190/1
Type of Review: Existing Regulation
Title: Record of things of Value Furnished to Retailers Under the Federal Alcohol Administration Act

OMB Number: 1512–0323
Form Number: ATF Rec 5130/2
Type of Review: Existing Regulation
Title: Letterhead Application and Notices Filed by Brewers

OMB Reviewer: Norman Frumkin (202) 395–6880 Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

Cathy Thomas,

Departmental Reports Management Office.

[FR Doc. 83–32365 Filed 12–2–83; 8:45 am]

BILLING CODE 4810–25–M

Public Information Collection Requirements Submitted to OMB for Review

Dated: November 29, 1983.

On November 29, 1983 the Department of the Treasury submitted the following public information collection requirement(s) to OMB (listed by submitting bureaus), for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of these submissions may be obtained from the Treasury Department Clearance Officer, by calling (202) 535–6020. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 7227, 1201 Constitution Avenue, N.W., Washington, D.C. 20220.

Internal Revenue Service

OMB Number: None
Form Number: None
Type of Review: New
Title: Focus Group Interviews on Federal Paperwork Burden
OMB Reviewer: Norman Frumkin (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

Joseph A. Donahue,

Departmental Reports, Management Office.

[FR Doc. 83–32364 Filed 12–2–83; 8:45 am]

BILLING CODE 4810–25–M

UNITED STATES INFORMATION AGENCY

Reporting and Information Collection Requirement Under OMB Review

AGENCY: United States Information Agency.

ACTION: Notice of reporting requirement submitted for OMB review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed or established reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission. USIA is requesting approval of a form used in the processing of applications for auditions under our Artistic Ambassador Program.

DATE: Comments must be received by December 31, 1983.

Copies: Copies of the request for clearance (SF–83), supporting statement, instructions, transmittal letter and other documents submitted to OMB for review may be obtained from the USIA Clearance Officer. Comments on the item listed should be submitted to the Office of Information and Regulatory Affairs of OMB, attention Desk Officer for USIA.

FOR FURTHER INFORMATION CONTACT: Agency Clearance Officer, Charles N. Canestro, United States Information Agency, M/M, 301 Fourth Street SW., Washington, D.C. 20547, telephone (202) 485–8676. And OMB Review: David S. Reed, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503, telephone (202) 395–7231.

SUPPLEMENTARY INFORMATION: Title: "Artistic Ambassador Program", Biographic Information Form for Auditioners, an unnumbered form. Abstract: This form is intended to obtain information from aspiring musicians who are interested in competing for the chance to represent the United States overseas. Candidates are screened, and through a process of elimination, 3 or 4 finalists are selected. Overseas tours are from 5 to 6 weeks in duration, during which the successful candidates will be giving concerts for foreign audiences and representing the United States through personal contacts and the presentation of American art and culture. This program is intended to fulfill the requirements of the Mutual Educational and Cultural Exchange Act of 1961, Pub. L. 87–256, imposed upon USIA to strengthen international cooperative relations through tours in foreign countries by creative and performing artists.

Dated: November 29, 1983.

Charles N. Canestro,

Management Analyst, Federal Register Liaison.

[FR Doc. 83–32295 Filed 12–2–83; 8:45 am]

BILLING CODE 8230–01–M

United States Advisory Commission on Public Diplomacy; Meeting

The United States Advisory Commission on Public Diplomacy will meet on December 14, 1983 from 10:15 a.m. to 12:15 p.m. in Room 800, 301 Fourth Street, SW., Washington, D.C. The Commission will discuss VOA modernization and subjects relating to Agency management. Please call Elizabeth Fahl, (202) 485–2468, if you plan to attend the meeting because entrance to the building is controlled.

Dated: November 29, 1983.

Charles N. Canestro,

Management Analyst, Federal Register Liaison.

[FR Doc. 83–32272 Filed 12–2–83; 8:45 am]

BILLING CODE 8230–01–M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 234
Monday, December 5, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

CONSUMER PRODUCT SAFETY COMMISSION

Commission Meeting

TIME AND DATE: 10 a.m., Friday, December 9, 1983.

LOCATION: Third floor hearing room, 1111 18th Street NW., Washington, D.C.

STATUS: Open to the public.

MATTER TO BE CONSIDERED:

1. *Crib Hardware: 30(d) Rule, Proposal*
   The staff will brief the Commission on failures of hardware on cribs and a proposed rule under Section 30(d) of the Consumer Product Safety Act, which proposes transfer of the regulation of risks of injury associated with crib hardware failures from the Federal Hazardous Substances Act to the Consumer Product Safety Act.
2. *Sulfuric Acid Drain Cleaners: Voluntary Standard*
   The staff will brief the Commission on a proposed voluntary industry standard on sulfuric acid drain cleaners.
3. *Strong Sensitizers: Advisory Panel*
   The Commission will consider whether to establish an advisory panel on strong sensitization.

Closed to the Public:

4. *FOIA Appeals—OS #4646 and #3493*
   The Commission will consider Freedom of Information Act appeals OS #4646 and #3493.

For a recorded message containing the latest agenda information: call 301-492-5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Avenue, Bethesda, MD 20207; 301-492-6800.

[S-1691-83 Filed 12-1-83 3:15 pm]

BILLING CODE 6355-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 3:41 p.m. on Tuesday, November 22, 1983, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider a recommendation with respect to the initiation and conduct of a cease-and-desist proceeding against an insured bank (name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting pursuant to subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: November 30, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1686-83 Filed 12-1-83; 11:46 am]

BILLING CODE 6714-01-M

3

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Correction to Previously Announced Agenda

November 30, 1983.

TIME AND DATE: 9:30 a.m., Wednesday, December 7, 1983.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will hear oral argument on the following:

1. Peabody Coal Company, Docket No. KENT 80-318-R (Issues include whether the judge erred in concluding that an MSHA investigator did not need a search warrant in order to obtain from the operator certain accident and injury reports.)

TIME AND DATE: Following oral argument.

STATUS: Closed (Pursuant to 5 U.S.C. 552b(c)(10)).

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the above case.

It was determined by a majority vote of Commissioners that this meeting be closed.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, Agenda Clerk (202) 653-5632.

[S-1690-83 Filed 12-1-83; 2:01 pm]

BILLING CODE 6735-01-M

4

FEDERAL RESERVE SYSTEM

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 53635, November 28, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Approximately 11 a.m., Wednesday, November 30, 1983, following a recess at the conclusion of the open meeting.

CHANGES IN THE MEETING: One of the items announced for inclusion at this meeting was consideration of any agenda items carried forward from a previous meeting; the following such closed item(s) was added:

Federal Reserve Bank and Branch director appointments. (This item was originally announced for a meeting on November 17, 1983.)

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452-3204.

Dated: November 30, 1983.

James McAfee,

Associate Secretary of the Board.

[S-1684-83 Filed 12-1-83; 9:53 am]

BILLING CODE 6210-01-M

5

NATIONAL LABOR RELATIONS BOARD

TIME AND DATE: 2:30 p.m., Tuesday, December 6, 1983.

PLACE: Board Conference Room, sixth floor, 1717 Pennsylvania Avenue NW.

STATUS: Closed to public observation pursuant to 5 U.S.C. 552b(c)(2) (internal personnel rules and practices) and (c)(6) (personal information where disclosure would constitute a clearly unwarranted invasion of personal privacy).

MATTERS TO BE CONSIDERED: Discussion on position of Regional Director for Region 18, Minneapolis, Minnesota.

CONTACT PERSON FOR MORE INFORMATION: John C. Truesdale, Executive Secretary, Washington, DC 20570, telephone: (202) 254–9430.

Dated at Washington, D.C., November 30, 1983.

By direction of the Board.

John C. Truesdale,

Executive Secretary, National Labor Relations Board.

[S–1685–83 Filed 12–1–83; 11:46 am]

BILLING CODE 7545–01–M

6

OVERSEAS PRIVATE INVESTMENT CORPORATION

Meeting of the Board of Directors

TIME AND DATE: 9 a.m. (closed portion), 9:30 a.m. (open portion), Tuesday, December 13, 1983.

PLACE: Offices of the Corporation, seventh floor board room 1129 20th Street NW., Washington, D.C.

STATUS: The first part of the meeting from 9 a.m. to 9:30 a.m. will be closed to the public. The open portion of the meeting will start at 9:30 a.m.

MATTERS TO BE CONSIDERED: (Closed to the public 9:00 a.m. to 9:30 a.m.):

1. Latin America Initiatives.
2. Claims Report.
3. Information Reports: General.
4. Information Report: China Projects.

FURTHER MATTERS TO BE CONSIDERED: (Open to the public 9:30 a.m.):

5. Approval of the Minutes of the Previous Board Meeting.
6. Approval of Proposed Regular Meetings of the Board.
7. OPIC Reinsurance: Requirements and Objectives.
8. Operation Opportunity.
9. Recapitulation of FY 1983 Business.
10. Investment Missions.
11. Financial Summary for the Twelve Months ended September 30, 1983.
12. Information Reports.

CONTACT PERSON FOR MORE INFORMATION: Information with regard to this meeting may be obtained from the Secretary of the Corporation at (202) 653–2925.

December 1, 1983.

Elizabeth A. Burton,

Corporate Secretary.

[S–1688–83 Filed 12–1–83; 12:39 pm]

BILLING CODE 3210–01–M

7

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Fish Propagation Panel; Meeting Notice

DATE AND TIME: December 12, 1983, 9 a.m.

PLACE: The meeting will be held in Conference Room A of the Hyatt SeaTac, Seattle, Washington.

STATUS: Open.

MATTERS TO BE CONSIDERED: Notice of meeting to be held pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, 1–4. Activities will include:

Approval of minutes
Scheduling of panel tasks
Habitat improvement and passage restoration
Willamette study plan
Subbasin plans
Reprogramming
Prioritization
Other
Public comment

FOR FURTHER INFORMATION CONTACT: Mark Schneider, 503–222–5161.

Edward Sheets,

Executive Director.

[S–1687–83 Filed 12–1–83; 11:55 am]

BILLING CODE 0000–00–M

8

PAROLE COMMISSION

[4P0401]

National Commissioners (the Commissioners presently maintaining offices at Chevy Chase, Maryland Headquarters)

TIME AND DATE: 10 a.m., Wednesday, December 7, 1983.

PLACE: Room 420–F, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 3 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission (301) 492–5987.

[S–1689–83 Filed 12–1–83; 2:01 pm]

BILLING CODE 4410–01–M

federal register

Monday
December 5, 1983

Part II

Department of Housing and Urban Development

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

Low-Cost and Moderate-Income Mortgage Insurance—Statutory Change to Mortgage Assignment Provision; Final Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 221

[Docket No. N-83-1310; FR-1884]

Low-Cost and Moderate-Income Mortgage Insurance—Statutory Change to Mortgage Assignment Provision

AGENCY: Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Rule-related notice.

SUMMARY: The Housing and Urban-Rural Recovery Act of 1983 removes the authority of the Department under section 221(g)(4) of the National Housing Act to accept the assignment of mortgages insured under the low-cost and moderate-income mortgage insurance program contained in section 221 where the mortgage is not in default after twenty years from the date of insurance. This change is effective upon the signing of the law by the President. For this reason, the Department publishes this Notice to explain the new amendment and how it will affect mortgages participating in the program.

EFFECTIVE DATE: The President signed the Housing and Urban-Rural Recovery Act of 1983 on November 30, 1983. Therefore, the effective date of the statute is November 30, 1983. However, the effective date of this Notice is December 1, 1983, for the reasons explained in the Supplementary Information.

FOR FURTHER INFORMATION CONTACT: James Hamernick, Director, Office of Multifamily Housing Development, (202) 755-5720; Alan J. Kappeler, Director, Office of Single Family Housing, (202) 755-3046. Mailing address: U.S. Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. (Telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION:

Background

Section 221 of the National Housing Act (NHA) established a program of HUD mortgage insurance for low- and moderate-income families and displaced families. Section 221(g)(4) authorizes the Department to accept an assignment of a mortgage insured under this section which is not in default at the expiration of twenty years from the date the mortgage was endorsed for insurance.

The Housing and Urban-Rural Recovery Act of 1983

Section 409 of the Housing and Urban-Rural Recovery Act of 1983 (1983 Act) removes the authority of the Department to accept an assignment of a mortgage under section 221(g)(4) of the National Housing Act. This Notice applies to any mortgage for which a commitment to insure has not been issued before December 1, 1983. While the President approved the 1983 Act on November 30, 1983, the actual signing occurred after the close of business for HUD offices in a significant portion of the United States. Because section 409 had the effect of prospectively revoking a privilege, the Department believes that commitments entered into on November 30, 1983 before the bill was approved should continue to provide for the assignment option permitted under previous law. The Department assumes, for purposes of implementation of section 409, that all commitments issued on November 30, 1983 during ordinary business hours in any HUD field office were issued before the bill was approved by the President.

The Department is publishing this Notice to provide information to the public and to mortgagees and to give notice that applicable regulations on the section 221(g)(4) assignment provision are superseded in part by section 409 of the 1983 Act.

In addition, the Department would like to clarify the applicability of the term "commitment" as used in section 409 of the 1983 Act. Floor discussion of this provision includes an affirmation by the Chairman of the House Committee on Banking, Finance and Urban Affairs that "commitment" refers to and includes conditional commitments (129 Cong. Rec. H10520 (daily ed. Nov. 18, 1983)). Therefore, any mortgagee who has received either a conditional or firm commitment for insurance of a mortgage dated before December 1, 1983 will have the section 221(g)(4) assignment option.

However, "commitment" does not incorporate the concept of a Site Appraisal and Market Analysis (SAMA) letter (or a feasibility letter, in the case of substantial rehabilitation), used in the multifamily section 221 program. Therefore, even if a SAMA or feasibility letter has been issued for a project before December 1, 1983, the mortgagee will not be entitled to the section 221(g)(4) assignment option unless a conditional or firm commitment also has been issued for the project before this date.

Applicability of this amendment to the Direct Endorsement program in Single Family insurance programs also requires clarification. HUD generally does not issue commitments for mortgages insured under this new delegated processing procedure (see final rule published in the **Federal Register** on March 22, 1983, 48 FR 11928). An event analogous to conditional commitment in the Direct Endorsement program is the day the property appraisal report is signed by the mortgagee's approved underwriter. For this reason, the Department interprets section 409 as terminating the section 221(g)(4) assignment option for any mortgage processed under the Direct Endorsement program whose property appraisal report has not been signed before December 1, 1983.

Regulatory provisions contained in 24 CFR 221.255 and 221.770 are superseded to the extent they are inconsistent with this new law. These provisions will be amended by the Department to conform to the new law's requirements as soon as practicable.

Dated: November 30, 1983.

W. Calvert Brand,

Acting Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 83-32514 Filed 12-2-83; 11:12 am]

BILLING CODE 4210-27-M

Federal Register

Monday
December 5, 1983

Part III

Department of Agriculture

Animal and Plant Health Inspection Service

Highly Pathogenic Avian Influenza

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 81

[Docket No. 83-128]

Highly Pathogenic Avian Influenza

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document amends the "Highly Pathogenic Avian Influenza and Similar Poultry Diseases" interim rule by changing the area designated as a quarantined area in New Jersey because of highly pathogenic avian influenza. The quarantined area is changed by deleting a portion of Cumberland County. The quarantined area was established as part of a mechanism to help prevent the spread of highly pathogenic avian influenza. However, it is not necessary to quarantine this portion of Cumberland County for such purpose.

DATES: Effective date December 1, 1983. Written comments must be received on or before February 3, 1984.

ADDRESS: Written comments should be submitted to Thomas O. Gessel, Director, Regulatory Coordination Staff, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Written comments received may be inspected at Room 728 of the Federal Building, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. William W. Buisch, Chief, National Emergency Field Operations Staff, VS, APHIS, USDA, Room 747, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8073.

SUPPLEMENTARY INFORMATION:

Emergency Action

Dr. John K. Atwell, Deputy Administrator of the Animal and Plant Health Inspection Service for Veterinary Services, has determined that an emergency situation exists which warrants publication of this interim rule without prior opportunity for public comment. Immediate action is warranted in order to delete unnecessary restrictions on the movement of live poultry and certain other items through a portion of Cumberland County in New Jersey.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect to this interim rule are impracticable and contrary to the public interest; and good cause is found for making this interim rule effective upon signature. Comments are solicited for 60 days after publication of this document. A final document discussing comments received and any amendments required will be published in the **Federal Register.**

Background

The "Highly Pathogenic Avian Influenza and Similar Poultry Diseases" interim rule in 9 CFR Part 81, among other things, regulates the interstate movement of poultry and certain other items from quarantined areas in Pennsylvania and New Jersey (48 FR 51422-51423, 52420-52427, 52885-52887, 53678-53679, 53679-53681).

Highly pathogenic avian influenza is a highly contagious and pathogenic viral disease of poultry. It is defined as a disease of poultry caused by any influenza virus Type A that results in not less than 75 percent mortality within 8 days in at least 8 healthy susceptible chickens, 4 to 8 weeks old, inoculated by the intramuscular, intravenous, or caudal airsac route with bacteria-free infectious allantoic or cell culture fluids and using standard laboratory operating procedures to assure specificity. Clinical evidence of the disease includes decreased feed and water consumption, depression, unusual movements or positions, increased mortality, hemorrhage beneath the skin on the lower legs and feet, severe decrease in egg production, post mortem lesions, and history of the disease occurrence in the flock.

Prior to the effective date of this document, the quarantined area in New Jersey included portions of Atlantic, Cumberland, Gloucester, and Salem Counties.

It had been determined that a quarantined area should have easily understood boundary lines, include the premises where highly pathogenic avian influenza is found, and include at least a five mile buffer zone in every direction from premises where the disease is found. Also, it had further been determined that, if the boundary line under the above criteria would be contiguous to an area containing a high concentration of poultry, the quarantined area should be expanded to include the area containing the high concentration of poultry. The previous quarantined area was established in accordance with this criteria.

However, it has further been determined that, if the boundary line under the criteria described above would encompass and be contiguous to large areas in which there is no poultry production, the quarantined area should be adjusted to exclude any such areas. There would be no need to take action to prevent the spread of highly pathogenic avian influenza from such areas.

Prior to the effective date of this document, the quarantined area in New Jersey was described as:

That portion of New Jersey beginning at the intersection of NJ Highway 45 and NJ Highway 49; then northeasterly along NJ Highway 45 to its intersection with U.S. Highway 322; then southeasterly along U.S. Highway 322 to its intersection with NJ Highway 54; then southwesterly along NJ Highway 54 to its intersection with NJ Secondary Road 557; then southeasterly along NJ Secondary Road 557 to its intersection with NJ Secondary Road 552; then westerly along NJ Secondary Road 552 to its intersection with NJ Highway 47; then southerly along NJ Highway 47 to its intersection with NJ Secondary Road 15; then westerly along NJ Secondary Road 15 to its intersection with NJ Secondary Road 9; then northwesterly on NJ Secondary Road 9 to its intersection with NJ Highway 49; then northwesterly along NJ Highway 49 to its intersection with NJ Highway 45.

It has been determined that this quarantined area should not include an area south of NJ Highway 49 which is essentially marshland with no poultry production. Accordingly, the quarantined area is redescribed as follows:

That portion of New Jersey beginning at the intersection of NJ Highway 45 and NJ Highway 49; then northeasterly along NJ Highway 45 to its intersection with U.S. Highway 322; then southeasterly along U.S. Highway 322 to its intersection with NJ Highway 54; then southwesterly along NJ Highway 54 to its intersection with NJ Secondary Road 557; then southeasterly along NJ Secondary Road 557 to its intersection with NJ Secondary Road 552; then westerly along NJ Secondary Road 552 to its intersection with NJ Highway 47; then southerly along NJ Highway 47 to its intersection with NJ Highway 49; then northwesterly along NJ Highway 49 to its intersection with NJ Highway 45.

With certain exceptions, the interim rule provides that the following articles designated as prohibited articles are prohibited from being moved interstate from a quarantined area:

(1) Live poultry infected with or exposed to highly pathogenic avian influenza,

(2) Manure from poultry, and

(3) Litter that has been used by poultry.

The interim rule also provides, with certain exceptions, that the following articles designated as restricted articles are allowed to be moved interstate from

a quarantined area only in accordance with certain conditions:

(1) Live poultry not infected with or exposed to highly pathogenic avian influenza,

(2) Poultry carcasses or parts thereof,

(3) Eggs from poultry, and

(4) Used coops, containers, troughs or other accessories for use in the handling of poultry or poultry eggs.

The interim rule also contains provisions concerning the cleaning and disinfection of coops, containers, troughs, other accessories, and means of conveyance used in the interstate movement of poultry from quarantined areas.

Executive Order and Regulatory Flexibility Act

This action has been reviewed in conformance with Executive Order 12291 and Secretary's Memorandum 1512-1, and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this action will not have a significant effect on the economy; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will not have a significant adverse effect on competition, employment or investment, productivity, innovation, or ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this rulemaking action, the Office of Management and Budget has waived its review process required by Executive Order 12291 and the Department of Agriculture has waived the requirements of Secretary's Memorandum 1512-1.

This action deletes unnecessary restrictions on the movement of live poultry and certain other items through a portion of Cumberland County in New Jersey. The area deleted from quarantined status is essentially a marshland with no poultry production. Mr. Bert W. Hawkins, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 9 CFR Part 81

Animal diseases, Poultry and poultry products, Transportation.

Under the circumstances referred to above, § 81.4(a) of 9 CFR Part 81 is revised to read as follows:

PART 81—HIGHLY PATHOGENIC AVIAN INFLUENZA AND SIMILAR POULTRY DISEASES

§ 81.4 Quarantined areas.

(a) The following area in Atlantic, Cumberland, Gloucester, and Salem Counties in New Jersey is designated as a quarantined area: That portion of New Jersey beginning at the intersection of NJ Highway 45 and NJ Highway 49; then northeasterly along NJ Highway 45 to its intersection with U.S. Highway 322; then southeasterly along U.S. Highway 322 to its intersection with NJ Highway 54; then southwesterly along NJ Highway 54 to its intersection with NJ Secondary Road 557; then southeasterly along NJ Secondary Road 557 to its intersection with NJ Secondary Road 552; then westerly along NJ Secondary Road 552 to its intersection with NJ Highway 47; then southerly along NJ Highway 47 to its intersection with NJ Highway 49; then northwesterly along NJ Highway 49 to its intersection with NJ Highway 45.

* * * * *

(Sec. 2, 23 Stat. 31, as amended; secs. 4–8, 23 Stat. 31–33, as amended; secs. 1–3, 32 Stat. 791, 792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; 41 Stat. 699; sec. 2, 65 Stat. 693; secs. 2–3, 5–6, and 11, 76 Stat. 129–132; 76 Stat. 663, 7 U.S.C. 450, 21 U.S.C. 111–113, 114a–1, 115–117, 119–126, 130, 134a, 134b, 134d, 134e, 134f; 7 CFR 2.17, 2.51, and 371.2(d))

Done at Washington, D.C. this 1st day of December, 1983.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 83-32555 Filed 12-2-83; 12:18 pm]

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H.R. 3959/Pub. L. 98-181

Supplemental Appropriations Act, 1984. (Nov. 30, 1983; 97 Stat. 1153) Price: $4.50

S.J. Res. 44/Pub. L. 98-182

To authorize the President to issue a proclamation designating the week beginning on March 11, 1984, as "National Surveyors Week". (Nov. 30, 1983; 97 Stat. 1300) Price: $1.50

H.R. 2230/Pub. L. 98-183

United States Commission on Civil Rights Act of 1983 (Nov. 30, 1983; 97 Stat. 1301) Price: $1.75

H.R. 2479/Pub. L. 98-184

To amend the Act of March 3, 1869, incorporating the Masonic Relief Association of the District of Columbia, now known as Acacia Mutual Life Insurance Company. (Nov. 30, 1983; 97 Stat. 1308) Price: $1.50

H.R. 2780/Pub. L. 98-185

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S. 450/Pub. L. 98-186

Mail Order Consumer Protection Amendments of 1983 (Nov. 30, 1983; 97 Stat. 1315) Price: $1.50

S.J. Res. 141/Pub. L. 98-187

To designate the week of December 4, 1983, through December 10, 1983, as "Carrier Alert Week". (Nov. 30, 1983; 97 Stat. 1319) Price: $1.50

H.J. Res. 324/Pub. L. 98-188

To designate the week beginning January 15, 1984, as "National Fetal Alcohol Syndrome Awareness Week". (Nov. 30, 1983; 97 Stat. 1321) Price: $1.50

H.R. 2196/Pub. L. 98-189

To extend the authorization of appropriations of the National Historical Publications and Records Commission for five years. (Nov 30, 1983; 97 Stat. 1323) Price: $1.50

H.R. 4294/Pub. L. 98-190

To name the Veterans' Administration Medical Center in Altoona, Pennsylvania, the "James E. Van Zandt Veterans' Administration Medical Center", and to name the Veterans' Administration Medical Center in Dublin, Georgia, the "Carl Vinson Veterans' Administration Medical Center". (Nov. 30, 1983; 97 Stat. 1324) Price: $1.50

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, prices, and revision dates.

An asterisk (*) precedes each entry that has been changed since last week.

New units issued during the week are announced on the back cover of the daily **Federal Register** as they become available.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

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[1] No amendments to these volumes were promulgated during the period Apr. 1, 1982 to March 31, 1983. The CFR volumes issued as of Apr. 1, 1982 should be retained.

[2] No amendments to this volume were promulgated during the period Apr. 1, 1980 to March 31, 1983. The CFR volume issued as of Apr. 1, 1980, should be retained.

[3] Refer to September 19, 1983, FEDERAL REGISTER, Book II (Federal Acquisition Regulation).